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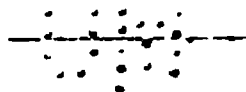
Chiefly of England,

**FROM THE FIRST PLANTING OF CHRISTIANITY, TO THE END OF
THE REIGN OF KING CHARLES THE SECOND;**

**WITH A BRIEF ACCOUNT OF THE
AFFAIRS OF RELIGION IN IRELAND.**

COLLECTED FROM THE BEST ANCIENT HISTORIANS, COUNCILS, AND RECORDS,

BY
JEREMY COLLIER, M.A.



NEW EDITION,

**WITH A LIFE OF THE AUTHOR, THE CONTROVERSIAL TRACTS CONNECTED
WITH THE HISTORY, NOTES, AND AN ENLARGED INDEX, BY
FRANCIS BARHAM, ESQ.**

*Juvat integros accedere fontes,
Atque haurire. LUCRET.
Nec studio, nec odio.*

**IN NINE VOLUMES.
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AN
ECCLESIASTICAL HISTORY
OF
GREAT BRITAIN.

BOOK IV.

DUKE WILLIAM having mastered the difficulties of the expedition, was importuned to take the title of king; this distinction of style being most agreeable to the English. He accepted the motion, and accordingly prepared for his coronation, which was solemnized at Westminster upon Christmas-day following. This ceremony, though customarily performed by the archbishop of Canterbury, yet the king was not crowned by Stigand, but by Aldred, archbishop of York. And here, Brompton informs us from some historians, that William desired Stigand to set the crown upon his head, and that this prelate refused to be concerned in the solemnity. His reason was, because duke William had invaded the country, and seized the government in prejudice of the right heir. Others affirm, and not without probability, that William refused to be crowned by Stigand, because this prelate lay under the censures and suspension of the court of Rome. For the pope having countenanced king William in his expedition, we may reasonably suppose he would not be forward to disgust his holiness; and, which is most likely, the king might gratify his own resentment, in declining the assistance of Stigand at the coronation solemn-

WILLIAM I.
K. of Eng.
237.

A. D. 1066.
Malmsb. de
Gest. Reg.
fol. 57.
*King William not
crowned by
archbishop
Stigand, and
why.*

Brompton
Chron. p.
962.
Malmsb. ib.
fol. 58.

STI-
GAND,
Abp. Cant.

nity: for by his rugged treatment of this prelate afterwards, he seems to have had a pique against him for appearing too much an Englishman; for making a stand against him for some time, and declaring for Edgar Atheling. And it may be, the check he is said to have met with in Kent might not sit easy upon his memory.

*The king is
said to have
taken an
oath to the
English at
his corona-
tion.
Malmsb. de
Gest. Pon-
tif. l. 3. fol.
154.*

Malmsbury reports, that when archbishop Aldred crowned king William, he took an oath of him, that he should govern his subjects with justice and clemency, and treat the English upon an equal foot with the Normans: that as long as the king managed by these measures, the archbishop treated him with all the regard due to the royal character, but when he began to harass the subjects with insupportable taxes, Aldred sent some of his agents to court to remonstrate against the grievance. These deputies, not admitted to the presence without difficulty, were dismissed with a rugged answer. Aldred, receiving no satisfaction at court, was so hardy as to bestow some ill wishes on the Conqueror and all his family, justifying this freedom by saying, that he might reasonably give his curse to those who had misbehaved themselves under his blessing. These passages being related to the king, he was advised to give the archbishop satisfaction, and ask his excuse. The king condescended to this suggestion, and dispatched some gentlemen to York, but before they came thither the archbishop was dead. It is thought his sympathizing with the calamities of the country made an ill impression upon his health, and shortened his days. This Aldred built the abbey church, now the cathedral of Gloucester. He likewise bought several estates, and annexed them to the archbishoprick, and was a great benefactor to the abbey of Beverley.

283.

*He governs
arbitrarily.*

As for the oath above mentioned, if it was taken by the conqueror in the terms related by Malmsbury, it is plain this prince broke through it in a little time: for when he found himself well settled, he pulled off the mask, and governed in an arbitrary manner. He threw the English out of their privileges and estates, and gave away the country to his Normans. And here Thorne, a monk of St. Augustine's, Canterbury, reports, that Egelsin, the abbot of that monastery, perceiving he lay under the king's disfavour for having appeared so resolutely in defence of the liberties of

Thorn.
Chronic.
p. 1787.

Kent. Being uneasy, I say, under this thought, he was willing to purchase his peace, and conveyed away several of the manors of his monastery to the Normans. But when he found nothing would do, and that the king was implacable, he was resolved to provide for himself. And thus, taking the money and jewels of the monastery away with him, set sail for Denmark, from whence he never returned.

WIL-
LIAM I.
K. of Eng.
Abbot Egelsin quits the kingdom, and why.
Thorn.
Chronic.
p. 1787.

I mention this passage concerning Egelsin, because it is a farther confirmation of the noble stand made by this abbot and archbishop Stigand, against the Normans, in Kent.

To return to king William, who was resolved to push his success to the utmost, and make good the title of Conqueror in all parts of his administration. Eadmer and others inform us, that he displaced the English from all posts of government, both in Church and state: that the bishopricks and abbacies, the earldoms and baronies, were distributed among his Normans. Eadmer proceeds to some particulars of his oppression of the Church, and his encroachment upon the ecclesiastical authority. He tells us, that he would not suffer any of his subjects to own the pope without his leave, or receive any letters from his holiness, unless first shewn to himself. About this time there were great contests at Rome concerning St. Peter's successor, double elections made, and one pope set up against another. Now, it seems king William made it part of his prerogative to determine the case for his subjects, and prescribe to them which of the pretenders to St. Peter's chair they were to own. This seems to be the true meaning of the passage; and not that the English were barred from paying any submission to the see of Rome, without leave from the king. Eadmer goes on, and acquaints us, that he would not permit the archbishop of Canterbury to pass any synodical constitutions, without taking his directions and measures from the court; neither would he allow any bishops to excommunicate or inflict any ecclesiastical censure upon his barons or officers of state, for incest, adultery, or any other scandalous crime, without a warrant from himself. This last, especially, looks like wresting the keys out of the hands of those our Saviour intrusted them with, seizing the apostolical charter, and dissolving the Church into the state. Such a strain of the regale, if justifiable, would make the Christian religion precarious, and lie

The king bears hard upon the liberties of the Church.

Eadmer
Hist. Nov.
l. 1. p. 6.

STI-
GAND,
Abp. Cant.

Diceto ad
Ann. 1163.

*A great al-
teration in
the English
customs and
constitu-
tions.*

Ingulph.
Hist. p. 70.

239.

at the mercy of the civil magistrate. To qualify the matter, it is said, the king required his being pre-acquainted with these censures before they passed, that by this information he might avoid the company of any excommunicated person.

King William was no less a conqueror in the state than in the Church; as appears by his introducing new customs, and altering the face of the constitution. To give some few instances: Ingulphus, who lived at the Conqueror's court, observes an alteration in the forms of deeds and legal conveyances; that the Saxon-English used to have their evidences attested with the subscription of witnesses, every witness setting the figure of a golden cross, or some other religious emblem, to his name. The Normans disliked this manner, and sealed their charters, as they called them, with wax, taking in three or four witnesses at the signing. In the times prior to the Conquest, as this historian goes on, estates were frequently passed away only by parole, without anything in writing. Instead of this, the granter used to deliver a sword, a head-piece, a horn, or a cup, to the person to whom the title was transferred; and a great many tenements were conveyed with the delivery of a pair of spurs, a horsecomb, a bow, or an arrow. This custom, it seems, held through some part of the Conqueror's reign, but was afterwards laid aside: and at the latter end of this prince's reign, the Normans had such an aversion to the natives, that they would not suffer them in any post of profit or honour: that the name of an Englishman was enough to make him miscarry in any competition: that foreigners, of what country soever, though never so meanly qualified, were preferred before them. In short, they despised the English to that degree that they scorned the use of their language: for the purpose, the pleadings were made and the laws drawn up in French; and boys at school learned French instead of English. If the reader desires to see more upon this argument, he may consult the learned Dr. Brady's Preface to the Norman History; in which he overthrows the opinion of Sir Edward Coke, and some others of the long robe, and evidently proves, from the alteration of the forms of law, the tenures, the names of the great proprietors in Doom's-Day Book, &c. that king William made himself master of the old

English liberties, and conquered both the country and constitution.

WIL-
LIAM I.
K. of Eng.

*The dissolu-
tion of man-
ners among
the English
at the Nor-
man Con-
quest.*

Before this great revolution, the English were strangely degenerated from the probity of their ancestors: when they made their descent from Germany, and wrested the island from the Britons, they were a very rugged and unpolished people. But Christianity brought them off from the barbarity of their customs, and made them much quieter neighbours than formerly. The excess of their inclinations for fighting abated, and religion seemed to be their governing passion. Thus we have seen several of their princes quit the world and retire to a cloister; and many of those that wore their purple, and continued to govern, lived very regularly, and spent a great part of their exchequer upon the Church and the poor. And piety being thus encouraged at court, the great men followed the example: people generally lived up to their belief, and the kingdom was remarkable for morals and good management. But now, as Malmsbury complains, vice and idleness had broke in upon the country, and learning and religion was little minded. There was very little scholarship even among the clergy: if they could read the Church-service they thought themselves qualified for their function, and seldom carried their education much higher: if any of this order understood grammar, he was looked upon as a prodigy of knowledge. From this character of the slender abilities of the clergy, it seems probable the Church-service was in English: for had it been in Latin, how should the generality of the clergy have been qualified to officiate, since the understanding a little grammar was counted so extraordinary an attainment?

Malmsb.
l. 3. de Wil-
lielm. prim.
fol. 57.

Malmsbury goes on to the monks, complains of their declining the austerities of their rule, and that they were too expensive in their eating and habit. As to the rich laity, he describes them quite abandoned to luxury and debauching: they thought it too much to submit to the old customs of devotion, and go to church at morning prayer: instead of this, they procured some over-officious priest to say matins in their bedchamber before they were up. As for the poor, they were generally made a prey to the wealthy, who oftentimes either plundered their little effects, or sold them for slaves beyond sea: in short, justice, temperance, and reli-

STI-
GAND,
Abp. Cant.

gion, were qualities not very common at this time of day. Though, after all, the historian does not apply this satire to the whole nation. He owns there were many, both of the clergy and laity, very conscientious and regular. But the infection having seized the majority, drew down the judgments of heaven, and involved them all in a common calamity.

Malmsb. ib.

*The king
carries
archbishop
Stigand into
Normandy.*

King William, the Lent after his coronation, set sail into Normandy, and carried Stigand, archbishop of Canterbury, Agelnoth, abbot of Glassenbury, Edgar Atheling, and several others of the principal English nobility, along with him. He was apprehensive that these great men, had they been left behind, might have caused some disturbance in his absence. As for Stigand, he treated him with great ceremony and regard; used to rise to him when he came into the room, and ordered the clergy and religious in Normandy to compliment this prelate upon his journey with a procession. Thus the archbishop had his character acknowledged, and was very honourably treated. However, the king took care not to part with him.

Florent.
Wigorn. p.
635.

A. D. 1067.

Antiquit.
Britan. in
Stigand.

The next year Harold and Canutus, sons of Swane, king of Denmark, embarked with two hundred sail, landed in the north of England, and were joined by Edgar Atheling, and Waltheof, earl of Northumberland. Aldred, archbishop of York, was so afflicted with the prospect of this invasion, that he died soon after. About a week after the archbishop's death, which happened in September, the Normans, who had a garrison in York, expecting a siege from the Danes, and being apprehensive the suburbs might be serviceable to the enemy, set fire to them. This fire proving unmanageable, drove into the city, and laid it in ashes. And here the cathedral was burnt, and all their books and charters destroyed. This year likewise Bede's monastery at Wearmouth was burnt in the ravage of the war. And now Egelwin, bishop of Durham, and the rest of the nobility of that country, being afraid of king William's severity, took up St. Cuthbert's corpse, and retired to a little island, called Eland: and here Brompton tells us, that the sea opened them a passage, and that they were protected by a miracle, somewhat resembling that wrought by Moses at the Red Sea. During this retreat of the bishop, which continued about

A. D. 1068.

*The cathe-
dral at York
burnt.*

Brompton
Chron. p.
965.
Stubbs Actus
Pontif. Ebo-
rac. p. 1708.

Brompton
p. 966.

three months, the cathedral at Durham was quite deserted, and no clergyman left to officiate.

WIL-
LIAM I.
K. of Eng.

This year Marianus Scotus, who had been nine years a recluse at Fulda in Germany, was ordered by the archbishop of Mentz to remove from that monastery to another near Mentz. This Marianus Scotus being a person of considerable learning, I shall give a farther account of him. He was born in Scotland, in the year 1028; but, as himself reports, he was Scotus Hiberniensis, or a Scot of Irish extraction. About thirty years of age, finding his country embroiled in war, he retired into Germany: at first he settled at St. Martin's monastery in Cologne, from whence he removed to Fulda, and from thence to Mentz. Marianus had no unlikely prospect of being well received in Germany, even upon the score of his country: for William, brother to Achaius, king of Scots, who served in the field under Charles the Great, built fifteen monasteries in Germany, and took care in the settlement that they should be under the government of Scotch abbots. Marianus was very remarkable for his piety and learning, and divided his whole time in a manner between books and devotion. He wrote a valuable history called his Chronicon, which begins with the world, and goes on to the year 1082: and to conclude with him, he died in the year of our Lord 1086.

Marianus
Scotus; his
character.
Brompton
p. 966.

Marian.
Chronic.
Anno 1028.

240.

To return to king William, who proceeded to make himself still more a Conqueror: to this purpose he ordered all the religious houses to be searched, and seized all the money, without making any distinction between what was lodged there by strangers, and that which belonged to the respective houses. Upon the Norman invasion, the English, presuming upon the privilege of monasteries, had carried most of their best effects thither. And here the covetousness of this prince carried him sometimes into sacrilege: for it seems the communion plate was plundered in several places.

The monas-
teries rifled
by the Con-
queror.

Hoveden
Annal. fol.
259.

Matth. Pa-
ris. Histor.
Major. p. 7.

About this time he changed the tenures of the bishopricks, and great abbeys which held baronies: these lands, which were formerly disencumbered from all burthens and payments due to the crown, he put under the tenure of knight's-service, and had them all entered in a roll, or book of entries, for that purpose. In this court-roll, the number of soldiers they were to find him and his successors, upon any

A. D. 1070.
The tenures
of the Church
altered.

STI-
GAND,
Abp. Cant.

insurrection, invasion, or war, were all set down. This roll of ecclesiastical servitude, as Matthew Paris calls it, was laid up in the Exchequer; and a great many churchmen, who refused to submit to the imposition, were banished the kingdom.

Matth. Pa-
ris. Histor.
Major. p. 7.

Upon the ri-
ver Rhone.

Stigand de-
posed in a
synod.

This year, in the Octaves of Easter, there was a great synod held at Winchester. Here Hermenfred, bishop of Sitten, or Sion, and John and Peter, cardinal priests, represented pope Alexander II. In this synod, Stigand, archbishop of Canterbury, was deprived, for the reasons already mentioned. His brother Egelmar, bishop of the East Angles, had likewise the same sentence passed against him; several abbots were also dispossessed of their governments. The king making it his business to throw the English out of posts of honour and profit, to open the way for his Normans, and establish his new conquest. Upon this view several bishops and abbots were ejected in an arbitrary manner, without any proof that they had either offended against Church or state.

At this council, where most of the rest were frightened for fear of the loss of their dignities, Wulstan, bishop of Worcester, put up a bold claim for the rights of his see. It seems, when Aldred, the late archbishop of York, was translated thither from Worcester, he kept several of the manors of that see in his hands, which, upon his death, were seized by the king. The restitution of these lands was demanded by Wulstan, who pressed the king and council to do him justice. But the contest lying between the sees of York and Worcester, and the archbishoprick of York being vacant at that time, the decision of the point was respited till the metropolitical see was filled up, and a prelate made to plead on the behalf of that church.

Hoveden
Annal. fol.
259.

This metropolitical see being filled toward the latter end of this year, Wulstan revived the suit at the council, or convention, of Pedrede, or Petherton, in Somersetshire; and here had justice done him, and had his church perfectly disencumbered from the encroachments of the metropolitan of York; and all the privileges and liberties granted by the Saxon kings confirmed to his see.

Florent.
Wigorn. ad
An. 1070.

At this synod Wulstan was charged by Lanfranc with insufficiency and want of learning; and being required to de-

fend himself upon this head, and likewise to make out the privileges of his see against the pretensions of the archbishop of York, he went out of the council to deliberate upon his answer, and prepare himself. And perceiving some of his monks very anxious and busy about the cause in hand, instead of asking their assistance, he told them, the nones, or office for three o'clock, was not said, and therefore, says he, let us go about it forthwith. They told him it was much more seasonable to make ready for his defence, and that the office might be performed at leisure afterwards: for, say they, if the king and nobility hear us singing of service now, they will think us ridiculous. Pray, says the bishop, let us wait upon God in the first place, and let the cause stay till the business of religion is over. When service was done he returned to the council, but without giving himself any trouble about what was to be offered. His friends concluding him unprepared, grew solicitous about the event; but Wulstan desired them not to be uneasy upon his account, for he was well assured the interest of St. Dunstan's and St. Oswald's prayers would bring him off. Upon this he gave a monk instructions upon the case, and retained him to plead for him. It is true the man had but a slender share of elocution, but, as Malmsbury observes, he understood French tolerably well, and that qualified him for the employment. And thus we see the Conqueror had brought his own language into the courts of justice very early. As for Wulstan, he carried every point of the cause; and he, who before was thought unfit for the government of a single diocese, was entreated by the archbishop of York to visit his province, and assist him in the administration.

WIL-
LIAM I.
K. of Eng.

Before I take leave of Wulstan, I must acquaint the reader with the summons he received from the pope's legates to appear at the council of Winchester. In this instrument he is enjoined to bring the abbots of his diocese along with him. I mention this to shew, that in this age none but bishops and abbots were reckoned members of the English councils.

Malmsb. de
Gest. Pon-
tif. l. 4. fol.
160.

241.

See Records
Numb. v.

The Whitsuntide after this council, the king promoted Thomas, canon of Baieux in Normandy, to the archbishoprick of York; and Walcelin, his chaplain, to the see of Winchester. The court being now at Windsor, the king

LAN-
FRANC,
Abp. Cant.

ordered a synod to be held there. At this synod, where Armenfred the pope's legate presided, Agelrick, bishop of Selsea, was deprived without any warrant from the canons, and afterwards imprisoned by the king's order. A great many English abbots were likewise deprived at this council, and Normans put in their places. And here the king preferred his chaplains, Arfract and Stigand, to the bishopricks of Elmam and Selsea. And now the archbishop of Canterbury being deprived, and the see of York not perfectly filled up, Walcelin was consecrated bishop of Winchester by Armenfred, the pope's legate.

Brompton
p. 68.

As for Stigand, whether he was present at the council where he was deposed, is somewhat uncertain. Matthew Paris mentions his retiring into Scotland this year with Alexander, bishop of Lincoln, without taking notice when he returned. But Brompton reports the matter as if the archbishop was present when the sentence passed against him; he tells us, this prelate put the king in mind of his former professions of friendship, and appealed to him for protection: that the king excused himself for not interposing in his behalf, out of a pretended regard to the pope. Stigand lying thus under the censure of the pope and the council of Winchester, the king had a fair colour for gratifying his old resentment. This prelate, therefore, being outed of all his fortune, was imprisoned at Winchester, where the king treated him roughly, and ordered him a very slender allowance. It was thought, one reason of this rigorous usage, was to bring Stigand to a discovery of a vast treasure he was supposed to have concealed; but either out of hopes of liberty, and being the better for his money, or out of disaffection and revenge to king William, they could never persuade him to the owning of any effects. It was not long before want and melancholy brought him to his end. When he was dead, they found a little key about his neck, and some notes which directed to a vast sum of money lodged under ground, which was all seized, and conveyed into the Exchequer.

His death.

Brompton
p. 68.
Antiquit.
Britan. in
Stigand.

*Lanfranc
preferred to
the see of
Canter-
bury.*

The see of Canterbury, thus vacant, Lanfranc, abbot of Caen in Normandy, receiving orders from pope Alexander and king William to come into England, was preferred to that archbishoprick. This Lanfranc was born at Pavia in

the duchy of Milan, and extracted from a reputable family: he was bred to letters, and made a remarkable progress in most parts of learning. Being thus improved, he had a strong inclination for the cloister, and pitched upon Bec in Normandy, upon the score of the poverty of the house, and the pious behaviour of the monks. And here being not used to drudging, and rustic employments, he set up a logic lecture to support himself. And thus he raised his character, and made the monastery a celebrated seat of academical learning: but being so much distinguished in merit from the rest of the fraternity, he drew the envy of some of the house upon him, who preferred a complaint against him to duke William: he was charged with misbehaving himself towards the convent, and reproaching them with ignorance. This accusation, as slender as it appears, was so heightened that Lanfranc was summoned to court to purge himself. And here the duke of Normandy took notice of him for a person of great learning and capacity, and not long after preferred him to the abbacy of Caen. His election and consecration to the see of Canterbury was very remarkable and solemn; for he was first chosen by the church of Canterbury. This choice was agreed to by the bishops and temporal nobility, at the king's court. At his consecration, which was performed at Canterbury, all the bishops of England were either present or excused themselves by messages and letters. He was consecrated by Giso, bishop of Wells, and Walter, bishop of Hereford, eight other prelates being at the solemnity.

WIL-
LIAM I.
K. of Eng.

Malmsbur.
de Gest.
Pont. l. 1.
fol. 116, 117.

A. D. 1070.
Aug. 28.
The solemnity of his consecration.

Chronolog.
Saxon. ad
An. 1070.
Hoveden
Annal. fol.
260.
Brompton
p. 968.

The see of Winchester, which was likewise vacant by the deprivation of Stigand, was given to Walcelin, as has been observed. This prelate had a design to eject the monks out of his cathedral, and place secular canons in their room. And Eadmer acquaints us, that almost all the Norman bishops had formed the same project. They had gained the king to their interest: and as for Walcelin, he had got forty canons ready to bring into his church; and wanted nothing but the license of his metropolitan to complete the enterprise; neither did he in the least question the archbishop's concurrence. But Lanfranc, being a great friend to the monastic institution, refused to give his consent, and so the business dropped, and the canons were disappointed.

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FRANC,
Abp. Cant.

242.

Though the bishops were thus balked by their primate, they resolved to make another effort; and to strike at the root of the cause, they moved, by general consent, that the monks might be removed from the church of Canterbury; if they gained this point, they concluded it would be a leading case, and facilitate the reformation in other cathedrals. To this purpose they urged, that the secular clergy were much fitter for that station than monks, who were confined to their cloister; especially in the metropolitical see, which was designed for the inspection and government of other churches. Though these allegations were thought reasonable by the king and great men, yet Lanfranc's interest and elocution was such that he broke the design: and being apprehensive the attempt might be renewed after his death, he resolved to clench the matter. To this purpose he procured a bull for the settlement of the monks from pope Alexander II.

Eadmer
Hist. No-
vor. 1. 2.
p. 10.

To do Lanfranc justice, though he acted with great vigour and courage in what he undertook, yet ambition cannot be laid to his charge; for soon after his promotion, he wrote a letter to pope Alexander II., to desire leave to quit the see, and retire to a private life. Amongst other things, he tells the pope, that notwithstanding he was strongly solicited by king William, yet he had never accepted the see of Canterbury, had not the bishop of Sitten and Hubert, the cardinal-legate, laid his holiness's commands upon him. That he endeavoured to excuse himself upon the score of his insufficiency; and of his being unacquainted with the temper and language of the English: that these excuses being refused, he was perfectly overruled by the authority of the apostolic see; that being thus forced into the archbishoprick, he found his strength so disproportioned to his business, and met with so much disturbance from the avarice, obstinacy, and libertinism of the people he had to deal with, that he was quite weary of his life; and was extremely afflicted to see himself reserved to such unfortunate times. Besides, so far as he could conjecture, the mischief was likely to increase, and grow more intolerable; and therefore he proceeds to entreat his holiness, by all that is sacred and solemn, to send him a discharge, and give him leave to retire to a cloister; and to persuade the pope farther to

grant his request, he puts him in mind of the services he had formerly done his holiness and his relations; that he did not refresh his memory with these things to upbraid him, but only to procure his own dismissal. He goes on, and takes the freedom to say, that in case the pope refused to disentangle him, in prospect of the public service he was likely to do the church, his holiness would be disappointed, and run a great hazard by making himself answerable for the event. For to speak clearly, says he, the English are so untractable, that the advantage the province receives by my government, is not so great as the disservice I do myself. The pope, having a better opinion of Lanfranc than he had of himself, refused to comply. This prelate, therefore, finding there was no way to get rid of his archbishoprick, sent to Rome for his pall. But, it being an ancient custom, as Baronius represents it, for the English archbishops to take a journey to Rome, and make a personal appearance before the pope upon this occasion; for this reason the pall was not delivered to Lanfranc's agents: and, that the refusal might not be misinterpreted, Hildebrand, the archdeacon of Rome, wrote a letter by way of apology. In this letter, he acquaints the archbishop how well his agents were received, and how sorry he was the pall could not be procured without giving him the fatigue of so long a journey: that if this point had been dispensed with to any prelate of his station, he might have been assured of the same favour. He desires him, therefore, not to take it ill for falling short of satisfaction.

WIL-
LIAM I.
K. of Eng.

Baronius
Annal. tom.
xi. ad An.
1070.

But notwithstanding Hildebrand's pretences, there was no such necessity, no such general custom for the archbishop's going in person for the pall; for Gregory the Great sent this distinction of habit to Augustine of Canterbury. The popes Boniface and Honorius did the same to Justus and Honorius, archbishops of Canterbury. And Baronius himself brings a much later precedent for the same practice in the popedom of John XX.

Bede Hist.
Eccles. l. i.
c. 29. l. 2.
c. 8. & c. 18.
Baron. ad.
An. 1070.

This year, Thomas, archbishop of York elect, came to Canterbury, according to custom, to receive his consecration from that archbishop. And here he was first required by Lanfranc to make a profession of canonical obedience to him in *Scriptis*, and swear to the performance of the con-

A dispute
between the
see of York
and Can-
terbury.

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FRANC,
Abp. Cant.

Chronolog.
Saxon. ad
An. 1070.
Malmsh. de
Gest. Pon-
tif. l. 1. fol.
117.

tents ; all this being demanded as a customary acknowledgment paid by his predecessors. Thomas replied, that he would never stoop to such a submission, unless the claim could be made out by sufficient authorities, both of witnesses and records. This non-compliance of the archbishop of York proceeded more from ignorance than stiffness and ill temper. Being lately come into England, he was unacquainted with the usages of the English church ; however, he seems to have given too much credit to the suggestions of flatterers, who made him believe the church of York stood upon the same foot of privilege with that of Canterbury. Lanfranc endeavoured to give him satisfaction, and produced evidences for the prerogatives of his see. But Thomas, not thinking the proof sufficient, refused to acquiesce, and went away without being consecrated.

243.

Malmsh.
ibid.

The king being informed of this contest, suspected that Lanfranc, presuming upon the advantage of his learning, had made his demands too high ; though, by the way, Thomas was a man both of parts and improved education. Some few days after this dispute, Lanfranc came to court, and desired the king would please to hear him in his justification : this request being granted, he defended his claim with so much strength and clearness, that the king and court were fully convinced of the fairness of his proceedings ; several English, who were perfectly acquainted with the case, giving their testimony in his behalf. The matter being thus far cleared, the king orders Thomas to return to Canterbury, to deliver Lanfranc a profession of obedience in writing, and to read it before the rest of the bishops then present. The contents of this writing were, that Thomas should obey the orders and instructions of the archbishop of Canterbury in all things relating to discipline and worship. That this profession was to be made without conditions or reserve. However, this submission of Thomas was only made to Lanfranc's person, and not to his successors. The see of Canterbury was not to receive this acknowledgment till their claim was farther proved and determined in a synod. Thomas being contented to submit upon these terms, received his consecration.

And now some of the rest of the English bishops, who had declined being consecrated by Stigand, made their sub-

mission to Lanfranc upon his demand. The next year, this prelate and archbishop Thomas went to Rome for their palls. And here Lanfranc was received by Alexander II. with particular marks of respect. For the pope, as Malmsbury observes, laying aside the usual state and stiffness of that see, rose up to him; though he qualified the ceremony by declaring, "That he did not treat him with that regard upon the score of his station at Canterbury, but for his learning, and because he had been his master. And since he had strained his regards out of pure ceremony and affection, the other ought not to fail in point of justice and duty, but throw himself, according to the custom of other archbishops, at the feet of St. Peter's successor." Lanfranc having his memory thus rubbed up, made his reverences in the usual form. And here archbishop Thomas revived the contest between Lanfranc and himself: he claimed a jurisdiction over the three dioceses of Lincoln, Worcester, and Lichfield, and insisted, that by the constitution of Gregory the Great, the churches of Canterbury and York were equal and independent; that there was to be no preference or superiority in the case, unless with regard to precedency; and that even this privilege lay in common between both sees, and depended only on the priority of ordination: but as for the three bishopricks above-mentioned, he challenged them as part of his province, and declared they had been governed as such, time out of mind, by his predecessors. Lanfranc replied to Thomas's plea, and a great deal of arguing passed on both sides: however the pope did not think fit to interpose as a judge, but told them the cause ought to be tried in England before the bishops and abbots.

And though the controversy was still depending, Lanfranc was very serviceable to archbishop Thomas at the court of Rome; for both Thomas, and Remigius bishop of Lincoln, had their rings and pastoral staffs taken from them by his holiness: the first, because his father was a priest; the other, for bribing king William for his bishoprick. Upon Lanfranc's intercession for these two prelates, the pope referred the whole matter to him: Lanfranc being thus made master of the sentence, returned them their crosiers; and thus they all travelled home very cheerfully together.

Lanfranc came charged with a letter from the pope to

WIL-
LIAM I.
K. of Eng.

A. D. 1071.
Malmsb. de
Gest. Pon-
tif. l. 1. fol.
117, 122.
Eadmer
Hist. Nov.
l. 1. p. 6.

*The arch-
bishop of
York revives
his claim at
Rome.*

Malmsb. de
Gest. Pont.
l. 1. fol. 117,
122.

LAN-
FRANC,
Abp. Cant.

king William, in which, after his holiness had commended the king for his administration, exhorted him to go on in the protection of the Church, and to act by the advice suggested by Lanfranc: after he had enlarged a little upon these heads, he proceeds to inform the king, that Agelricus, late bishop of Selsea, who had been deposed by a commission from his legates, had not a fair trial. For which reason he orders the bishop, in the first place, to be restored to his former post, and makes Lanfranc his legate for the re-hearing of the cause: but notwithstanding this order of the pope, there was no review of the cause: Agelricus continued deprived, and the see was filled by Stigand, who afterwards removed to Chichester.

Baronius,
Annal. tom.
xi. n. 9. ad
An. 1071.

This year the pope granted a charter of exemption to the abbey of St. Edmundsbury, which runs in the usual form, excepting one clause, which binds the house to their canonical obedience to the archbishop of Canterbury. The words are these, *Salva primatis episcopi canonica reverentia*. This exception being somewhat unusual, I thought fit to insert it.

Selden Not.
ad Eadmer,
p. 206.

The contro-
versy decid-
ed in behalf
of Canter-
bury at
Windsor.

Malmsb. de
Gest. Pon-
tif. l. i. fol.
117.

To return to Lanfranc, who was resolved not to let the controversy between himself and archbishop Thomas sleep; the next year, therefore, both the archbishops appeared at the king's court at Easter, where, according to custom, most of the bishops and great abbots were present. And here, after the cause had been argued at length on both sides, judgment was given for the see of Canterbury.

Bede Hist.
Eccles. l. i.
c. 29.

244.

Upon the course of the argument, Thomas insisted upon Gregory the Great's constitution, by virtue of which, though the spiritual jurisdiction of the whole island was assigned to St. Augustine during his life, yet after his death, the sees of York and London were to stand upon an equal footing of privilege and independency. Now when Gregory passed this decree, he supposed the archiepiscopal see would have been fixed at London, as being the most considerable city in the southern part of the island. It is true, Augustine, upon the score of king Ethelbert's keeping his court at Canterbury, made that city the archiepiscopal see; but this does not alter the case. For if London, where St. Augustine and his successors were supposed to fix their see, was to have no jurisdiction over the metropolitan of York, which way can Can-

terbury pretend to it? Canterbury, I say, which was only to succeed to the privileges designed for London. The removing from one city to another, and the bare change of the metropolis, can be no sufficient reason to extend the jurisdiction of the metropolitan. This was the substance of Thomas's plea, neither was Lanfranc able to answer it. Lanfranc was likewise mistaken in founding the privilege of the see of Canterbury upon that Church's being instrumental in converting the rest of the island; for it is undeniably evident from Bede, that the north of Britain, not to mention any other parts, were converted by the Scotch Irish. But though Lanfranc failed in these two points, yet he made out his title sufficiently by the constitutions of several popes, by the archbishops of Canterbury calling councils, and exercising other branches of jurisdiction within the province of York: and by the acquiescence and submission of the prelates of that see. To give one instance, Ealdulph, archbishop of York, who lived in the eighth century, made a profession of canonical obedience to Ethelard of Canterbury, in very full and comprehensive terms. The cause being thus carried for the see of Canterbury, there was a form of canonical obedience drawn up, and delivered to Lanfranc by archbishop Thomas, which the reader may peruse in the collection of records. And as to the bounds of the respective provinces, Thomas was obliged to drop his pretensions to the three dioceses of Lincoln, Lichfield, and Worcester; and the river Humber was made the barrier of Canterbury. From this river northward the province of York was to extend to the farthest parts of Scotland. Farther, whenever the archbishop of Canterbury should think fit to call a council, the archbishop of York and his suffragans, were obliged to make their appearance and be governed by his directions: and upon the decease of the archbishop of Canterbury, the archbishop of York was to repair to that city, and with the assistance of the other suffragans of the southern province, consecrate the primate elect. And upon the death of the archbishop of York, the person nominated to that see by the king, was obliged to come to Canterbury, or any other place assigned him by his primate, and there receive his consecration from the said archbishop of Canterbury.

WIL-
LIAM I.
K. of Eng.

Malmsb. de
Gest. Pon-
tif. l. 1. fol.
117.

See Collec-
tion of Re-
cords, num.
iv.

See Records
num. v.
A.D. 1072.

Malmsb. de
Gest. Pon-
tif. l. 1. fol.
117.
Spl. Concil.
vol 2. p. 5.
Ex. Cod.
MS. in Bibl.
Cotton. sub
Effigie Do-
mitiani.
[A. 5. n. 2.]

LAN-
FRANC,
Abp. Cant.

This cause was first argued in Easter holidays at Winchester in the king's chapel, and afterwards brought upon the board at Windsor, where it was finally decided. The accord was signed by the king, the queen, the pope's legate, the archbishop of Canterbury, thirteen bishops, and eleven great abbots. And here the king and queen sign with a cross, which is called their signum or mark, and is an argument they could use their pen no farther.

King Malcolm does homage to the Conqueror.

Hunting.
Histor. l. 7.
fol. 211.

Matth. Paris. Hist.

Major. p. 7.

Dunelmens.
de Gestis

Reg. p. 208.

This year king William made an expedition into Scotland, to revenge the incursions that nation had lately made in the north of England. Before they came to blows, Malcolm Canmor, distrusting his own force, did homage to king William at Abernethie, and gave him hostages.

About this time Egelwin, bishop of Durham, departed this life. When king William seized the money and plate of the monasteries, this prelate had the courage to excommunicate all those who were dipped in sacrilege: this general censure, though the king was not named, comprehended him plainly enough. This prelate likewise, being not willing to submit to the Normans, joined the earls Edwin, Morcar, and Siward, who, in the year 1071, made an insurrection against king William, and, committing many hostilities, withdrew their forces into the Isle of Ely, under the conduct of Herewardus. The Conqueror marching down against them forced them all to submit at discretion, excepting Herewardus, who refused to surrender, and carried off his men with great bravery. Bishop Egelwin submitting with the rest, was conveyed to Abingdon, and kept under custody; and being required of the king to deliver what treasure he had taken out of his cathedral, he solemnly declared, he brought nothing away with him: but one day, as he was washing his hands before dinner, a bracelet happened to fall down from his arm upon his wrist. The king perceiving he had not dealt truly with him, imprisoned him at Westminster, where he was very much afflicted for some miscarriages: and by abstinence, melancholy, and other mortifications, ended his days in a short time. He was succeeded by Walcherus, nominated by the king to that see. This Walcherus was extracted from a noble family in Lorraine, and had his education in the church of Liege. His qualifications, both with respect to learning and business, were more

The death of Egelwin, bishop of Durham.

Dunelm.
Hist. de Dunelm. Eccl. l. 3. c. 17.

than ordinary: and as for his devotion and sobriety of behaviour, nobody could find fault with him: however, he was not fortunate in his post, as will be shewn afterwards.

The next year Leofrick, bishop of Exeter, departed this life. Besides his other benefactions already mentioned, he gave a famous missal to his cathedral, still remaining.

In this liturgick book, God is addressed to restore the Energumeni, for the merits of the angels, patriarchs, prophets, apostles, virgins, &c. But here the blessed Virgin is not particularly mentioned.

Upon the festival of St. Michael, the missal implores God for the benefit of St. Michael and all the angels' prayers: but here is no direct application to the angels themselves.

The intercession of the blessed Virgin is likewise begged of God, but not in a direct address to her: however, she is mentioned immediately after the Trinity.

There are also prayers for the dead, and several collects for the king. The order in praying for the governors in Church and state, stands thus:—

The pope is first prayed for, then the bishops and abbots; after these the king and queen, but without any mention of their names.

How much this missal is elder than the age of Leofrick, is not certainly known.

In another liturgick book, called the Troparion, we meet with frequent direct invocations of the angels, the blessed Virgin, and other saints. But then this office is of less antiquity than Leofrick's missal.

About two years forward, there was a council held at London: the archbishops and bishops of both provinces, with the abbots and many others of the clergy, being present. And because the use of synods had been intermitted for many years in England, there were several provisions made in conformity to the ancient canons. For the purpose, the precedence of sees was regulated by the decrees of the fourth council of Toledo, and the synods of Milevis and Bracara; and thus every prelate was to be placed according to the priority of his ordination, excepting those who, by ancient custom, had particular privileges by their sees.

1. The stating of this business being postponed till the next day, it was agreed that the archbishop of York should

WIL-
LIAM, I.
K. of Eng.

Dunelm.
Hist. de Du-
nelm. Ec-
cles. l. 3. c.
18.

A. D. 1073.
245.

Biblioth.
Bodleian.
inter. MSS.
Tho. Bod-
ley, n. 76.
Catal. fol.
143.

Fol. 7.

Id. fol. 10.

Id. fol. 14.
et 20.

Troparion
Biblioth.
Bodleian
inter MSS.
Tho. Bodley
n. 63. fol.
96. 132. 172.
178. et alib.

*A synod held
at London,*
A. D. 1075.

Spelm.
Concil. vol.
2. p. 7 to
11. et ex
MSS. A.
Bosvile in
Colleg. St.
Johan.
apud. Can-
tabr.

LAN-
FRANC,
Abp. Cant.

be seated at the right hand of the archbishop of Canterbury, the bishop of London at his left, and the bishop of Winchester next the archbishop of York.

2. From the inspection of the rule of St. Bennet, and the dialogues of Gregory the Great, they decreed several articles of discipline for the monasteries. And particularly, if any monk ventured to keep any thing as his own without license, and neither restored it to the abbot, nor confessed his fault upon his death-bed, the bells were not to toll for him, no mass was to be said for his soul, neither was he to be buried in consecrated ground.

3. Thirdly, the having bishops' sees in villages or small towns being prohibited by the councils of Sardica and Laodicea; this synod, having the king's consent for that purpose, ordered Herman, bishop of Sherburn, to remove his see to Salisbury; Stigand, of Selsea, was to remove to Chichester, and Peter, of Lichfield, to Chester. There were some other bishops' sees which, being settled in less considerable boroughs, required a like removal, but the king being beyond sea, this business was deferred till his return.

4. By the fourth, no prelate or abbot was to ordain, or entertain any foreign clerk or monk without dimissory or commendatory letters from their respective superiors.

5. And to prevent the synod's being interrupted, or disturbed with indiscreet motions, a decree passed, that no person, abbots and bishops excepted, should take the liberty of speaking in the council, without leave from the metropolitan.

6. By the sixth, marriage is prohibited to the seventh degree, and they vouch Gregory the Great for their authority. But this is a mistake: for this pope extends the prohibition no farther than the fourth degree, as appears by his answer to St. Augustine of Canterbury to this question.

Bede Ec-
cles. Hist.
l. 1. c. 27.

7. The seventh canon condemns simony.

8. The eighth is levelled against divination, reliance upon casting of lots, and such other superstitious and dangerous practices.

XI. Concil.
Toletan.
Can. 6. An.
675.

9. By the ninth and last, no bishop, abbot, or clergyman, was to judge any person to the loss of life or limb, or to give his vote or countenance for that purpose to any others.

This council is subscribed by none but bishops and abbots, excepting the archdeacon of Canterbury, who signs immediately after the bishops, and even before the abbot of St. Augustine's, Canterbury.

WIL-
LIAM I.
K. of Eng.

To remark a word or two upon this synod. By the third canon it appears, that the bishops consulted the king, and gained his consent for the translation of the sees from one town to another; not but that the synod had a right to de-

The primitive bishops fixed their sees where they thought fit.

termine this point within themselves, for it is well known that the primitive bishops, who lived before the reign of Constantine the Great, ordered this matter as they thought fit, without applying for leave to the Roman emperors. Now a prince's turning Christian does by no means enlarge his jurisdiction, or lessen the authority of the Church. For, what is it that makes the distinction between a pagan and a Christian prince? Nothing but baptism; but this sacrament conveys nothing of spiritual jurisdiction. On the contrary, it imports obedience and subjection to the laws and authority of the society into which the person is incorporated; and by consequence makes a member, but not a governor, of the Church. Neither does the baptism of a prince import any distinguishing privilege, or entitle him to any more than the common benefits of that sacrament. However, the bishops, who were well acquainted with the Conqueror's warm and domineering temper, chose rather to waive somewhat of their right, than come to a rupture with him, and lose the protection of the state. For that they did not give up the point, appears by an inspeximus of king Henry VIth, which mentions a charter of William the Conqueror, for translating the see of Dorchester to Lincoln: for in this charter it is expressly said, the see was removed to Lincoln by the consent and authority of pope Alexander, of Lanfranc, archbishop of Canterbury, and the rest of the English bishops.

246.

Monast.
Anglic. vol.
3. p. 258.

From the fifth canon, which decrees, that no person, excepting bishops and abbots, should speak in the synod without leave from the metropolitan, we may infer,

None but bishops and abbots allowed to speak in the synod without leave.

First, that the whole synod made but one house, and sat all in the same room together.

Secondly, that if none but abbots and bishops had the liberty of speech without leave, it follows plainly, that the

LAN-
FRANC,
Abp. Cant.

priests and inferior clergy were reckoned no part of the ecclesiastical legislature : for those who have any share in the legislation have a right to propose matters, to recommend a bill, to oppose or defend, as occasion offers : but those who are confined to silence, and cannot make a motion without the permission of a superior order, can pretend to nothing of this privilege. Now, all but bishops and abbots lie under this disadvantage, and stand thus disabled by the canon. Neither, as I observed, is the council subscribed by any but bishops and abbots, excepting the archdeacon of Canterbury ; and even this dignitary is omitted in Ingulphus's copy.

Ingulph.
Hist. p. 93.

*The legisla-
tive autho-
rity of sy-
nods wholly
in the
bishops.*

The keeping the ecclesiastic legislature within the order of the bishops, is agreeable both to the monarchical constitution of the Church, and the practice of the primitive ages. That the point stood thus, is evident from the canons of the first councils, and other records of antiquity. This matter being laid together with great clearness and brevity by the learned author of *The State of the Church* ; I shall transcribe some part of his argument for the reader.

Dr. Wake's
*State of the
Church, &c.*
p. 96. et
deinc.

He proves his point both from the canons and practice of the ancient Church.

To begin with his first topic. The thirty-seventh of the Apostles' canons, the first that determined the yearly assembling of provincial synods, plainly calls them "synods of bishops ;" and directs, that they should judge among themselves of the doctrine of religion, and determine such incidental controversies as related to ecclesiastical matters. And the Greek canonists affirm in their exposition, that for these reasons it seemed necessary, τοὺς ἐπισκόπους ἐκάστης ἐνορίας συνέρχεσθαι, for the bishops of every province to meet together. Not a word, either in the canon or comment, of the priest's either coming or judging with them.

Concil. Ni-
cen. Can. 5.

This canon thus passed before the empire became Christian, was confirmed by the first general council that was held after ; that every year, in every province, synods should be held ; that so, the bishops of every province being gathered together, the causes of which the canon speaks, might be examined by them. And the canonists here again talk of the bishops coming together to their primate ; that by the sentence of all the bishops of the province, every eccle-

siastical controversy might be ended: but of the priests either coming or acting, not one word.

WIL-
LIAM I.
K. of Eng.

But the council of Antioch (the next in order) speaks, if possible, yet more fully to the same purpose. It determines, *Συνόδους τῶν ἐπισκόπων γίνεσθαι*, "That there should be synods of the bishops held in every province; the metropolitan admonishing his suffragans to come to it. That so," says the canon, "the priests and deacons, and all others who think themselves injured, may come to the synod, and have their causes heard and judged by it." This then was the end for which the presbyters or priests were allowed to come to these assemblies; not to judge, but to be judged; not to sit with the bishops in them, but to bring their causes, if they had any, before them.

Concil. An-
tioch. Can.
20.

But yet, notwithstanding all these orders, these provincial synods soon grew into disuse. To revive them, therefore, and cause them to be more punctually observed, the fourth general council renewed the decrees, which had before been made concerning them. It ordered the bishops to meet twice in the year; and commanded those bishops that came not to be punished.

Concil,
Chalced.
Can. 19.

The same is the language of the sixth and seventh general councils, where they mentioned these synodical meetings. They are still the *προέδροι*, and the *ἐπίσκοποι*, and the *ἀρχιέρεις*, that are to come together; the meetings themselves are called *συνόδοι ἐπίσκοπων*, and *συνελεύσεις τῶν ἐπίσκοπων*, synods and conventions of the bishops. But neither in the canons, or their comments, is there any thing to persuade us that the presbyters had any authoritative concern in them.

Concil. in
Trull. Can.
8. Concil. 7.
Can. 6.

The learned author proceeds to shew, that the language of the imperial laws, in Justinian's novels, was the same with the canons of the Church, with reference to these ecclesiastical assemblies.

247.

Novel. 123.
c. 10. No-
vel. 137. c.
4.

This likewise is the opinion of the learned Dacherius, as appears from the beginning of his collection, where he tells us, that a synod is then reckoned complete, when the metropolitan, and all his suffragans are present at it.

Spicileg.
Præf. l. 1.
p. 10.

From the canons, the learned author proceeds to the practice of the Church, and carries the enquiry through the east, the south, and western parts of it.

Dr. Wake's
Stat of the
Church, &c.
p. 97. et
deinc.

LAN-
FRANC,
Abp. Cant.

Euseb.
Hist. Ec-
cles. l. 5. c.
23.

First, the most ancient Eastern councils, of which we have any notices remaining, were the synods, which Eusebius tells us, were assembled upon the account of the Paschal controversy. The character he gives of them, with reference to the case in hand, in general, is this: "that synods and assemblies of bishops were held about it." And both by this historian, and the collection of the councils, it does not appear, that any beneath the episcopal character had any share of voting in these assemblies.

Euseb. ibid.

To give some instances. In those of Palestine, Theophilus, bishop of Cesarea, and Narcissus, bishop of Jerusalem, presided; and the one consisted of twelve, the other of fourteen bishops, assembled for that debate.

Euseb. c.
25. Concil.
Tom. 1. col.
601.

In that of Pontus; Palma, with fourteen other bishops, met: in that of Osroene, eighteen bishops assembled; in that of Corinth, Bacchillus and eighteen other bishops were convened. And in all these synods we find no mention of presbyters.

Concil. tom.
1. col. 599.
&c. Euseb.
Hist. Eccl.
l. 6. c. 46.

To these might be added other synods, which we are told assembled about the same time in other places; and in which again we meet with no account of any but bishops that were assembled in them. But to carry the proof farther, and proceed to another great dispute, about the baptism of hereticks; for the settling of which controversy, several synods in all parts were convened.

Euseb.
Hist. Eccl.
l. 7. c. 5.

Now of these, Eusebius gives us the same general account that he had done of the foregoing: he calls them the synods of bishops, and that not from himself, but from the letter of Dionysius, bishop of Alexandria, who lived at the same time; and therefore must be presumed to have spoken according to the language and discipline of the Church. Of these assemblies he elsewhere mentions two which had met upon this occasion; he calls them the "synods of his brethren." And whom he meant by his brethren, the other part of his sentence shews, that they were the bishops of those Churches which were assembled together for that purpose.

Euseb. Ec-
cles. Hist.
l. 7. c. 7.
Vide Epist.
Firmilian.
ad Cyprian.

If from these we proceed to the synods held about the Arian controversy, we shall find them of the same kind. Of the bishops which met, we have a large account; but of any priests which sat and voted with them, not the least tittle is remembered.

To the council of Alexandria, held about the year 320, the bishops of Libya, Pentapolis, &c., subscribed. The assembly consisted of near a hundred bishops: nor had the presbyters any thing to do in it, but only to subscribe, with the deacons, to what their bishops had done, as soon as they were required by their metropolitan so to do.

In all the following synods, of which either Athanasius, or St. Hilary, Socrates, Sozomen, or any other of the historians of those times take notice, the account is still the same: they are 'synods of bishops,' that is their title. Nor is there, that I know of, so much as one single instance, where any others have sat and acted authoritatively with them.

To give some instances, in the Eastern synods, whose canons have been received into the Greek code.

The synod of Ancyra is the first of these: it consisted, as we are told, of eighteen bishops; but that any presbyters were present, and voted in it, we have no intimation.

Of the synod of Cesarea, the same year, the ancient code of the Roman Church tells us, that the holy and venerable bishops being gathered together, established the canons which we have of it.

Of that of Laodicea, the inscription says, that the canons were made by the holy and blessed fathers assembled at it. And lastly, for that of Gangra, the preface expressly calls it, "the most holy synod of bishops."

And thus we have seen a view of the councils of the Greek Church: nor is there any difference of those in Africa. That the case stands thus, appears plainly from St. Cyprian's epistles: in which he gives an account of several synods held in that country; but in none of these assemblies is there any mention of any others, besides bishops, that decided in them. And though from the acts of the synod of Carthage, published with his works, we are informed, that not only the priests, but the deacons and laity, were present; yet from the same acts it is evident, that none but the bishops voted; and by their voting, determined the affairs, and put an end to the controversy before them.

To these we may add the acts of the first council of Carthage under Gratus, bishop of that see, anno 348. Of the second, under Genedus, anno 397. Of the third, fourth, and fifth, under Aurelius. And in most of which, though the

WIL-
LIAM I.
K. of Eng.

Concil. Lab.
tom. 1. col.
1094.

Vid. Epist.
Alexand.
tom. 1. Opp.

Athan. p.

396.

Athanas.

Opp. tom. 1.

p. 125. 175.

898. &c.

Hilar. de

Synod. adv.

Arian. p.

358. 366.

367. 381.

Fragmenta,

p. 465. 479.

481. &c.

Socrat. l. 2.

Hist. Ec-

cles. c. 29.

39. l. 3. c. 7.

9. &c.

Sozom.

Hist. Ec-

cles. p. 433,

501, 573,

612, &c.

Apud Le-

on. M. vol.

2. c. 4. p. 46.

Concil. Lab.

tom. 2. col.

413.

Epist. ad

Quintum,

ad Jubaia-

num, ad

Cornelium,

n. 57. &c.

Concil. Lab.

tom. 2. col.

713.

Ibid. col.

1159. 1163.

Ibid. col.

1167. 1198. 1208. 1215. 1218.

LAN-
FRANC,
Abp. Cant.

248.

Ibid. col.
1519.

Ibid. col.
1533.

Ibid. col.
1538. 1544.

Vide Præ-
fat. Justell.
ad Cod. Ec-
cles. Afri-
can.

deacons attended, yet so plain it is, that only the bishops defined, that nothing can be reasonably objected against it.

It would be too long to insist upon the rest of the African synods, in which the same method was held; as that of Cirta against the Donatists; that of Carthage against the Pelagians; that of Milevis, in the case of Cælestius. It may suffice to observe, that the same authority ran through all of them. The deacons (and perhaps the priests and laity too) were present; but the bishops alone acted as the proper members of the synods, and concluded what was to be done in them.

If the reader takes a view of the Italian churches, he will find a conformity of custom in this matter. St. Cyprian mentions a synod held at Rome against Novatian: that Cornelius drew a great many of his fellow bishops together upon this occasion; and that they all agreed to what had been lately determined at Carthage: that is, they decreed the admitting those to penance, who had fallen away in the time of persecution. But the history of the synod which met at Rome, in the case of Athanasius, is more explicit to the point. That holy father tells us, it consisted of more than fifty bishops under Julius. These prelates heard his allegations, and decreed him into communion with them. The same was the case of the other synods, both of Rome and Milan, on the occasion of the same controversy. They all consisted of the bishops of those parts: nor do we hear of any presbyters, who (in their own right) either sat or acted with authority in them. I mention, "in their own right," because sometimes priests were bishops's proxies, and represented them in council.

The learned author of *The State of the Church* proves the Spanish synods managed by the same form, till after the seventh century: which discipline was likewise observed in France and Germany, down to the period last-mentioned.

It is true, in more modern ages, it appears by the order of holding synods in the Roman Church that priests were admitted to a decisive share in the councils.

But then, in the first place, this must be granted to be a deviation from the ancient practice: and, secondly, this privilege of admitting the priests to vote in council, is restrained and qualified: for only those of this order, who were sum-

Cyprian.
Epist. 55.
Edit. Oxon.

Athanas.
Opp. tom. 1.
Apolog.
contr. Aria-
nos. p. 140.

Concil. Lab.
tom. 2. col.
886. 889.

Sozom.
Hist. Ec-
cles. p. 546,
547.

Theodoret.
Hist. Ec-
cles. lib. 2.
c. 22.

Pag. 99.

Id. p. 100,
101.

Id. p. 102.

Ibid.

moned by their metropolitan, were allowed to judge and decide in these assemblies.

WIL-
LIAM I.
K. of Eng.

But the English Church, as we have seen, kept somewhat closer to the primitive practice, at least, till toward the end of the eleventh century. For though the abbots had gained some ground, yet no others beneath a bishop could speak in council, without leave from the metropolitan. And, which is more, the provisions of this synod are said to be drawn upon the model of the ancient canons.

To proceed: this year, in conformity to the order of the synod, the see of Elmam, in Norfolk, was removed to Thetford; Herfastus, formerly chaplain to the Conqueror, being bishop of this diocese. Malmsbury gives him but a moderate character, either for his learning or hospitality. He had only William Bewfew for his successor at Thetford; who was consecrated by Lanfranc in 1086, and died about five years after; upon whose death, the see, as we shall find afterwards, was once more removed.

Malmsbur.
de Gest.
Pontif. l. 2.
fol. 136.

The next year there was another synod held at Winchester, in which Lanfranc presided. And here, amongst other things, it was decreed, that no canon should be married: but as for those married priests, who had their cures in castles and country villages, though they were obliged not to marry in case they were single; yet those who were already engaged in matrimony, were not commanded to part with their wives. But, for the future, the bishops were to take care not to ordain any priests or deacons, without first taking a declaration from them against matrimony. The form runs thus: *Ego frater N. promitto Deo, omnibusque sanctis ejus, castitatem corporis mei secundum canonum decreta, et secundum ordinem mihi imponendum servare, domino præsule N. presente.*

A council
held at Win-
chester, A.D.
1076.

This canon, as Gerhard, archbishop of York, reports, in his letter to Anselm of Canterbury, discouraged people from taking orders, and made them hang back at the bishop's invitation.

Spelm.
Concil. vol.
2. p. 11.

Upon this occasion it will be proper to observe, that about a year or two before, pope Hildebrand, called Gregory VII. had declared strongly against the marriage of priests and deacons, both by letters and in a council at Rome. The learned Du Pin takes notice, that this restraint was highly

Spelm. ibid.
Baron. an-
nal. ad An.
1075. Hove-
den. Annal.
fol. 262.

LAN-
FRANC,
Abp. Cant.

St. Matth.
19. 11, 12.
1 Cor. 7.
2. 9.

Du Pin's
new Eccles.
Hist. cent.
xi. in Greg.
vii.

249.

Mat. Paris.
Hist. major.
p. 9.

Du Pin.
cent. xi. ib.

remonstrated against in Germany, Italy, and France: that the clergy spoke out with great freedom and satire against the pope; charged him with advancing an intolerable error, and decreeing a flat contradiction to our Saviour, and his apostle St. Paul: that they were resolved to maintain the liberties of Christianity, and would rather renounce their orders than their marriage; and since he refused to make use of men, they desired him to see if he could get the spirits above to leave their stations and govern the Churches under his holiness. This was the language of these 'corrupted ecclesiasticks,' as Monsieur Du Pin calls them. But Matthew Paris, though a monk, is more favourable, abets the interest of the married clergy, and censures the pope's conduct. "The pope," says he, "excommunicated the married clergy, incapacitated them for the performance of their function, and forbid the laity being present when they officiated." This, as the historian goes on, was, in the opinion of many, a new precedent, and a rash sentence. It was contradicting antiquity, and decreeing against the doctrine of the fathers, by whom we are taught, that the holy sacraments depend upon the invisible operation of the Holy Ghost, and that the morals and qualification of the priest signify nothing as to this mysterious efficacy: that the benefits of baptism and the Lord's supper, are neither enlarged by the merits, nor lessened by the faults of such as administer them. That this rigour of the pope gave a horrible scandal, and that no heresy had ever occasioned more schism and disturbance in the Church: that it proved the occasion of great insobriety and license, and that the vow of chastity, as they called it, was frequently broken; besides, it gave the laity a handle of declaiming against the clergy, and breaking loose from the authority of the Church: that it exposed the holy mysteries to question and contempt, made the laity invade the sacerdotal office, profane the sacraments, slight the ministrations of married priests, and venture to go out of the world without the proper assistances of that function. And, lastly, that the pope's order had pushed some people to such an irreligious excess, that they burnt the tithes, and trampled the holy eucharist, consecrated by married priests, under their feet. But notwithstanding the decree of the council at Rome, and the pope's eagerness in pressing the execution,

the English synod refused to come up to the extremity of his measures; for they allow the priests in the country, already married, to cohabit with their wives, whereas the pope disables all married priests, without distinction, from the exercise of their office, unless they lived separately, and broke off from the matrimonial engagement. From hence it appears, that the papal supremacy had not reached its zenith in this century, and that the English bishops did not believe the patriarchal power arbitrary and unlimited; but that a national Church had some reserves of liberty, and might dissent from the constitutions of the see of Rome upon occasion.

WIL-
LIAM I.
K. of Eng.
*This synod
gives a li-
berty to
married
priests de-
nied by the
pope.*

To proceed with the Winchester council. It was ordained, that no parish priest should suffer any new burthen, or encumbrance upon his Church, more than it was chargeable with in the reign of king Edward the Confessor: that if the laity were accused of any misdemeanour, with reference to religion, and refused to submit to the order of their bishop, they were to be called before him three times; and if they refused to appear and give satisfaction at the third summons, they were to be excommunicated: and if they submitted to the bishop's sentence after excommunication, they were, nevertheless, to pay their diocesan the penalty for the contumacy of their non-appearance when they were summoned. And to conclude with the synod, it was decreed, that no person should marry his daughter or relation without procuring the priest's blessing; and that all pretended marriages solemnized without this circumstance, should be esteemed no better than fornication.

Sir Henry Spelman mentions the heads of a council held at Winchester this year, which are somewhat different from the former. To mention some of them. The altars are ordered to be made of stone. Orders are to be given at stated times. Baptism is to be administered only at Easter and Whitsuntide, unless the person's life was in imminent danger. It is probable, if the acts of the council were extant, we should find that none but adult persons are comprehended under the meaning of this canon. By the ninth, burying in churches is forbidden; but I suppose this order was not passed but with a reserve for bishops and princes. I shall mention but two more; the eleventh and the thirteenth.

*Antiquit.
Britan. p.
114. under
Lanfranc.
A. D. 1076.*

Spelman.
Concil. vol. 2. p. 12. Ex Bibl. Cottonian, sub Effig. Tiberii.

LAN-
FRANC,
Abp. Cant.

*An account
of the form
and pro-
ceedings of
diocesan sy-
nods.*

Lindwood
Constitu-
tiones Angl.
fol. 35.

Reformat.
Leg. Eccles.
et Ministr.
ejus c. 20.

The eleventh allows the enjoining and direction of penance to none but the bishops: the other obliges every bishop to hold a synod in his diocese once a year.

Now these synods having been disused for some time in England, I shall give the reader a short account of them. And here, in the first place, it has been the constant sense of the ancient councils, and fathers of the Church, that every bishop has a commission from our Saviour to govern his diocese, and in order thereunto to convene his priests under him. The common direction of the canon law, appoints the meeting once a year. And this, Lindwood seems to deliver as the rule of the English Church: and thus the matter is stated in the designed reformation of the canons, drawn up in the reign of king Henry VIII.

To this annual synod, all the clergy, who had any benefice within the diocese, were obliged to come, under the penalty of suspension: the regulars too, as well abbots as monks, were bound to this attendance, excepting those, that in process of time, were exempted from episcopal jurisdiction.

If the diocese was small, and had but one archdeaconry in it, the whole clergy met together at once: if it were more large, the bishop sometimes divided his synods according to the number of his archdeaconries; and held his diocesan council at several times, and in several places; but still the method of business was the same in all.

250.

The form of holding these synods is as follows: the clergy, in solemn procession, came to the church assigned at the time appointed by the bishop, and seated themselves by the priority of their ordination. Then the deacons and laity were admitted. The bishop, or in his absence, the vicar, when the office for the occasion was over, made a solemn exhortation to the audience. Then a sermon was preached, after which, if the clergy had any complaints to make, or any thing else to offer, they were heard by the synod. The complaints of the clergy being over, the laity made theirs. Then the bishop proposed his diocesan constitutions to them. After which, if nothing remained to be done, he made a synodical exhortation by way of injunction to his clergy, and so all concluded with solemn prayers suitable to the business.

The form, at the conclusion of the first day, called *Benedictio Primæ Diei*, was this :

WIL-
LIAM I.
K. of Eng.
Spelman.
Concil. vol.
2. p. 1, 2.

Qui dispersos Israel congregat, ipse vos hic et ubique custodiat, Amen. Et non solum vos custodiat, sed ovium suorum custodes idoneos efficiat. Amen. Ut cum summo Pastore Christo de gregum suorum pastione gaudeatis in Cælo. Amen. Quod ipse parare dignetur, &c.

The benedictions, as they were called, of the other two days, were much to the same purpose.

For the dispatch of the business of these synods, the common time allowed, as has been hinted, was three days ; and a separate Rubrick was settled to direct the proceedings in each of them. But if the business of the synod could be done in a shorter time, the assembly continued no longer than was necessary.

Biblioth.
Cotton.
Cleopatra.
c. 8.

Having now given a short account of the time, persons, and manner of holding these synods, I shall, in a word or two, mention the business transacted there.

The first thing done on these occasions, was, for the bishop to make his synodical enquiries, of which the ancient forms are still extant. Then the synodical causes were heard, and every one was permitted to make his complaint.

Secondly, in these synods the bishop used to report to his clergy what had been decreed in the larger synods of the province, to charge them to have a care of their ministry, and lay before them the main branches of their respective duty and business. And,

Lastly, the bishop published his own diocesan constitutions : which being read, and agreed to by the synod, were from thenceforth in force within the diocese, provided they were not contrary to the decrees of some superior council of the province. Of these we have several collections already published in the volumes of the English councils, and many more are still remaining in the bishops' registers : and to conclude this subject, the use of these diocesan synods were continued in England till the reign of Henry VIII.

Dr. Wake's
State of the
Church, &c.

About this time, and probably two years previous, one Patrick, an Easterling, as Sir James Ware calls him, was elected bishop of Dublin, and sent into England to be consecrated by Lanfranc, archbishop of Canterbury. He

Patrick,
bishop of
Dublin, con-
secrated by
Lanfranc.

LAN-
FRANC,
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brought a letter of recommendation with him, which runs thus:—

*The letter of
the clergy
and people
of Dublin to
that arch-
bishop.*

“To Lanfranc, the reverend metropolitan of the holy Church of Canterbury, the clergy and people of Dublin tender their due obedience. You are not unacquainted, most reverend father, that the Church of Dublin, the metropolis of Ireland, is unprovided of a governor. To supply this vacancy we have made choice of a priest called Patrick, whom we all know to be nobly descended, and educated suitably to his quality; well skilled in ecclesiastical learning, orthodox in his belief, of great sufficiency and judgment for expounding the Scriptures, and thoroughly acquainted with the doctrine and customs of the Church. Our request is, that this person may be ordained our bishop as soon as possible, that so we may be furnished with one under God to instruct and govern us, and that under his government we may fight securely; forasmuch as the safety of those that are subject consists very much in the good qualities and integrity of him that governs.”

Ware de
Præsul. Hi-
bern. in
Episcop.
Dublinens.
Biblioth.
Cotton Cle-
opatra, E.I.

This Patrick, at his ordination, made a profession of canonical obedience to the archbishop of Canterbury in the form following:—

“Whosoever is placed in a post of government over others, provided he does not stand in a supreme station, ought not to be backward in paying a regard to those above him; but rather, with all humility, in obedience to God’s commands, give the same deference, in every respect, to his superiors, which he expects from those under his own care and jurisdiction. For this reason, I, Patrick, bishop of Dublin, the metropolis of Ireland, deliver this instrument of my profession and acknowledgment to you, most reverend father, Lanfranc, primate of the British Isles, and archbishop of the holy church of Canterbury; and do promise that I will be obedient to you and your successors in all things that may concern the Christian religion.”

Ware et
Biblioth.
Cotton. ib.

This bishop Patrick, besides his being chosen by the clergy and people of Dublin, was likewise recommended by Gothric Crovan, king of Mann, who had lately conquered

Dublin, and a great part of Leinster; Patrick, I say, was thus recommended, as appears by Lanfranc's letter to this prince. It runs thus:—

WIL-
LIAM I.
K. of Eng.

“Most honourable son; our reverend brother and fellow-
bishop, Patrick, sent to us by your excellency for his con-
secration, was entertained suitably to his quality and busi-
ness. And having performed the office, and given him the
character requested, we have furnished him with a testi-
monial, according to the custom of our predecessors. Now,
notwithstanding this prelate has acquainted us with a great
many commendable instances of your highness's govern-
ment, yet we hope it may not be improper to incite your ex-
cellency to a farther progress in virtue and true greatness:
for as fire burns brighter, and spreads to a greater flame by
being blown, so a worthy disposition rises and improves
upon commendation. We entreat you, therefore, with a
regard that so worthy a son of the Church ought to be
treated, that you take care to preserve that faith and doc-
trine which was delivered by our Saviour and his Apostles,
and handed down to succeeding ages by the holy fathers.
And that you endeavour that your life may be answerable to
your belief; that you make your power a protection to the
humble and obedient, and a terror to the stubborn and un-
governable. It is reported that some of your subjects are
so irregular as to marry their own or their wives' near rela-
tions, and that others divorce themselves at their pleasure;
some are so licentious as to transfer their matrimony, barter
away their wives by way of exchange, and take those of
their neighbours. This is horrible merchandizing, and
therefore, for God's sake and your own, exert your autho-
rity, and punish such scandalous crimes as these; and, by
God's assistance, manage your administration in such a
manner, that the good may be farther encouraged, and the
bad afraid to go on in an evil course. I had written a longer
letter to your excellency, but your bishop being so well
furnished with judgment and learning, and so very valuable
upon all accounts, I shall refer you to his farther advice and
information. And in case you fail not to govern your con-
duct by his instructions in matters of religion, and treat him
as your spiritual father, we hope, through the mercy of God,

Reverendis-
simo Filis.

251.

Lanfranc's
letter to
Gothric,
king of Dub-
lin.

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FRANC,
Abp. Cant.

Baron. An-
nal. ad An.
1089. tom.
11.

that you will neither fall into any dangerous mistake yourself, nor suffer your subjects to continue long in their obstinacy and misbehaviour. God Almighty protect your excellency against your enemies of all kinds; and, after a long reign upon earth, translate you to a more glorious and never-ending happiness in heaven."

*Donagh,
first bishop
of Dublin.*

This bishop Patrick succeeded Donagh, who, as Sir James Ware believes, was the first bishop of Dublin. This Donagh, with the assistance of Sittricus, built the cathedral of Christ's Church for regular canons, in the year 1038. The record of the foundation of the church gives the following account:—

"Sittricus, king of Dublin, son of Ableb, or Amlave, earl of Dublin, gave to the Holy Trinity, and to Donagh, first bishop of Dublin, a place where the arches or vaults are founded, to build the church of the Holy Trinity on, together with the lands of Beal-Dulek, Rechen, Port-Rahern, with their villains, cattle, and corn, and gave also silver and gold enough to build the church and the whole court."

Ware de
Præsul. Hi-
bern. ibid.

This Donagh, after the church was finished, built the bishop's palace in the place where the dean's house now stands. He likewise built St. Michael's chapel, afterwards turned into a parish church, and died in the year of our Lord 1074.

Ware. ibid.

*Lanfranc's
letter to
Torlogh,
king of
Dublin.*

And, to put all Lanfranc's Irish transactions together, I shall just mention his consecration of Donogh, or Dongus O Haingly, successor to bishop Patrick. This Donogh having received his first education, and studied for some time in Ireland, travelled afterwards into England, and turned Benedictine at Canterbury. Upon the vacancy of the see of Dublin, he was nominated by king Torlogh, elected by the clergy of Dublin, and consecrated by archbishop Lanfranc; to whom he made a profession of canonical obedience, according to the usual form, in the year of our Lord 1085.

To proceed: several ill customs having gained ground among the Irish, archbishop Lanfranc wrote to king Torlogh, to press him to make use of his interest towards a reformation. In the first place, he takes notice of the disorders about marriages, and arbitrary separations and ex-

changes above-mentioned: from whence he goes on to point at some irregularities in the Church: that bishops were consecrated by one bishop only: that a single borough or city was governed by a plurality of bishops: that infants were baptized without consecrated chrism: that money was sometimes taken by the bishops for holy orders. Now, as he goes on, all these, and such like practices, were forbidden by the holy Scriptures, a notorious breach of the canons, and quite counter to the fathers, as any person that was but moderately acquainted with antiquity and the Scriptures might easily understand. All which enormities being so abominable in the sight of God, ought to be so much the more discouraged by the prince, and punished with the utmost severity, in case of incorrigibleness. That kings cannot do more acceptable service to God Almighty than by making good laws for the assistance of religion, and the state. And, therefore, as he expects to give a comfortable account of his administration to God Almighty, he intreats him to convene the bishops and clergy: that himself and the great men of his kingdom be present at the synod, and all use their joint endeavours to extirpate these ill customs, and all others which stand in so apparent a contradiction to the Gospel, and the canons of the Church.

WIL-
LIAM I.
K. of Eng.

252.

In the year of our Lord 1079, Robert, a priest of great learning and exemplary piety, was consecrated bishop of Hereford by Lanfranc, archbishop of Canterbury, of whom something more afterwards.

Baron. An.
tem. 11. ad
An. 1089.
A. D. 1079.

This year the pope was very much disturbed at the Conqueror's refusing to give any of the English bishops leave to go to Rome. This his holiness looked upon as an intolerable strain of the regale, and wrote upon that subject to Hubert, his legate in England, requiring him to put the king in mind of this indefensible rigour: in his letter he tells Hubert, the holy Church of Rome had several grounds of complaint against the Conqueror: that his forbidding the bishops to make their appearance at Rome, and pay their respects to the apostolic chair, was an unprecedented encroachment, and that no pagan prince ever ventured upon such a presumption. He therefore commands Hubert to bring the king to a sense of this mismanagement, and to suggest to him, that since he would certainly be displeased

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with the omission of respect from his own subjects, he would do well not to make it his business to lessen the observance due to the holy see; but rather, by paying proper acknowledgments, endeavour to procure the favour and protection of St. Peter: that himself, out of his apostolic clemency, and in regard of the former friendship between them, had hitherto forborne him in his faults: but in case he refused to desist and take new measures, the legate was to acquaint him, he would certainly incur St. Peter's high displeasure. The pope proceeds in his instructions, and orders the legate to invite two of the English prelates out of each province to the synod at Rome, which was to be held in the Lent following. And if they happened to complain of the shortness of the warning, they were then to take care to be there at Easter.

Baron. An.
tom. 11. n.
20. ad An.
1079.

The cardinal takes notice, that the king gave the pope satisfaction; which remark holds good in some measure, as appears by a letter of this pope, in which he declares the king was not carried off by the German schism; but continued in his obedience to the apostolick see, for which he is pleased to call him, "a jewel of a prince."

Greg. 1. 7.
Epist. 25.

But here we may observe, that this letter was written when the pope was much distressed by the emperor Henry IV.: at which juncture, any countenance from other princes was very welcome: but that the Conqueror did not give his holiness full satisfaction, appears by the legate's answer, who informs him, he could not persuade the king to a thorough compliance, that is, he could not bring him to do homage for his kingdom, as we shall see afterwards.

Baron. ibid.
n. 21.

The next year the emperor Henry IV. being assisted by a considerable party of the German clergy, set up Guibert, archbishop of Ravenna, against Gregory VII. This anti-pope, Guibert, took the name of Clement III. Hugo Candidus, a cardinal, appeared strongly against the first, and wrote to Lanfranc in behalf of this Clement, in which he draws up a high charge against Hildebrand, entreats the archbishop to join with the bishops of Germany, and come into Clement's interest; and to bring the English prelates more effectually over, the emperor sends an embassy with letters to king William, but the king refused the ambassador audience. As for Lanfranc, he wrote an answer to cardinal Hugo's letter, which runs thus:—

"I received your letter, but am not pleased with some part of the contents. Your falling hard upon Gregory, calling him Hildebrand, and giving his legates an odd name, is more than I understand; and then your flourishing so much upon Clement's character seems going too far on the other hand; for it is written 'we are not to pronounce a man happy (or to commend him, as the Vulgate has it) before his death,' neither are we to detract from our neighbour. The good qualities and merit of men are somewhat mysterious, and lie out of sight at present; neither is it possible for us to pronounce with truth upon their future condition. However, I believe the illustrious emperor would not embark in so great an undertaking without being founded upon good reason; neither do I imagine he could have prospered so far without the signal blessing of God Almighty. I cannot concur with you in your taking a voyage into England, unless the king's leave can be first procured. For as yet our island has not disclaimed Gregory, nor indeed declared for either of the competitors; but when the cause shall be thoroughly examined, and the pretences of both sides come upon the board, we shall then be better qualified to come to a resolution in the case."

WIL-
LIAM I.
K. of Eng.

Ecclus. 11.
28.

This letter, though written in the eighth year of Gregory's popedom, speaks in terms of neutrality, and gives both the pretenders to the papal chair the titles they had assumed. And though Lanfranc does not approve of Hugo's invective against Gregory, yet he seems rather to suppose the emperor's party was in the right. And at last adds, that the English Church stood undetermined, and was not yet come to a judgment upon the point.

Baron. An.
tom. 11. n.
23. ad Ann.
1080.

253.

This year Walkerus, bishop of Durham, was barbarously murdered. This prelate having purchased the earldom of the king, restrained the people from flying out into rebellion, and endeavoured to reconcile them to the Norman government: his murder was occasioned by the mismanagement of those that governed under him. One Gilebert, his kinsman, represented him in the courts of justice: and as for the spiritual jurisdiction, it passed mostly through the hands of Leobine his chaplain. Both these persons were well qualified as to skill, courage, and activity; but had too much heat and haughtiness to make them agreeable. The

Ann. 1080.
The bishop
of Durham
murdered.

LAN-
FRANC,
Abp. Cant.

Dunelm. de
Gest. Reg.
ad An. 1080.
Malmsb. de
Gest. Pon-
tif. l. 3. fol.
158.

Dunelm. et
Malmsb. ib.

bishop having a good opinion of them for their spirit and resolution, winked at their encroaching humour, and gave them farther marks of his esteem. Leobine happened to envy one Liulf, a noble Saxon, who was very much in the bishop's favour, one of the judges in his courts, and by whose advice he was governed in most things relating to the bench. This Liulf, so remarkable for his knowledge and probity, was assassinated by Gilebert at Leobine's instigation. The bishop was very much troubled at the hearing of it, and offered Liulf's relations to prosecute the melefactor, and bring him to his trial. By the way, this Leobine pretended himself mightily outraged by Liulf, and by this means persuaded Gilebert to march at the head of some forces against him, which he accordingly did, and besetting the house, dispatched that noble person, and almost all his family. The Northumbrians were so enraged at this barbarity that the trial of Leobine would not satisfy them. They looked upon the bishop as a party in the crime, because he entertained both the murderers in his palace with the same countenance as formerly. Having this ill opinion of the bishop, they refused the forms of justice, and grew mad and mutinous. Gilebert, who was in the church with the bishop, being willing to preserve his master's life, though at the loss of his own, went out to the mob, and was immediately stabbed: the bishop, who ventured himself the same way, had the same fate; as for Leobine, he refused to come out of the church till they set it on fire, and then the people took their full revenge, and hewed him in pieces. The king being informed of this violence, sent down his brother Odo, bishop of Baieux, with a considerable force, and thus the Northumbrians were severely chastised, and a miserable ravage made in the country.

In the year 1083, there happened a tragical quarrel between the monks of Glassenbury and Thurstin their abbot. This Thurstin had been a monk at Caen in Normandy, and was preferred to Glassenbury by the king's favour; but was a person of very slender conduct and abilities: however, he resolved to show himself a governor, and amongst other instances of mismanagement, he attempted to throw out the Gregorian office, and introduce a manner of singing lately invented by one William, a monk of Fescamp in Normandy.

Besides this innovation, he held the monks to their rule with unusual rigour; made them retrench in their diet, and embezzled the treasure of the house. This mismanagement occasioned great expostulation and misunderstanding, and at last they came from words to blows. And the abbot bringing in a party of soldiers into the monastery, killed three monks that had taken sanctuary under the altar, and wounded eighteen more. The monks finding themselves thus barbarously attacked, stood upon their defence, and snatching up benches and candlesticks, wounded some of the soldiers. The news of this riot coming to the court, they were brought upon their trial before the king, and here by the sentence of the court, the abbot was sent back to Normandy, and the monks removed from their house.

WIL-
LIAM I.
K. of Eng.

The next year, or thereabouts, Hugo de Orivalle, bishop of London, departed this life. He was preferred to that see by the nomination of king William in the year 1075. He had the reputation of a person of great abilities; for which reason the Conqueror joined him in commission with Aldred, archbishop of York, who with the assistance of twelve of the most sufficient, and best qualified in each county, were ordered to make search for a body of the old laws of England, called St. Edward the Confessor's Laws: these they were ordered to set down in writing from the report of the twelve men above-mentioned, who were all sworn to give in a true account.

Brompton,
Chron. p.
978.

To return to Odo; this prelate was the Conqueror's brother by the mother's side, and made earl of Kent by him. Gulielmus Pictaviensis gives him a great character: represents him as a person very well qualified for Church and secular business: that he managed his diocese of Baieux to great commendation; and that when he was a young man, his understanding was improved to the ripeness of old age; that he was very serviceable to the public upon all occasions, and a great ornament to his country; that in the synods he appeared a good divine; and when property and civil right was in question, he delivered himself with great learning and elocution. As for largeness of mind, and hospitable reception, there was scarce his equal in all France. He was likewise very useful at a council of war, though he declined the fighting part upon the score of his character.

Malmsb. de
Gest. Pon-
tif. l. 2. fol.
134.
Rudburn
Hist. Angl.
Sacr. pars 1.
p. 259.

Odo's cha-
racter from
Pictavien-
sis.

254.

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FRANC,
Abp. Cant.

He followed his brother's fortune, and attended him in his expedition into England, and always continued very firm to his interest. Thus far, Pictaviensis, who served under the Conqueror in the field, and afterwards took orders, and officiated in his chapel.

A. D. 1085.

Odo endeavours to gain the popedom.

Ordericus
Vitalis Ec-
cles. Hist.
l. 7. p. 646,
647.

Ordericus Vitalis, who was born in the Conqueror's reign, does not give so favourable a representation of Odo, but reports him as a person of an unbounded ambition; but it may be this abatement of character may only affect the latter part of his life. This historian relates, that when the see of Rome was void by the death of Hildebrand, some Romans, that pretended to astrology, gave out that one Odo would succeed Gregory in the papacy. Odo, bishop of Baieux, and earl of Kent, being informed of this prediction, began to undervalue his present dignities and grasp at the popedom. To make this project practicable, he sent his agents to Rome immediately, purchased a palace there, furnished it in a magnificent manner, and bribed the great men at Rome to appear for him at the election. And now, conceiving his design well laid, he engaged Hugh, earl of Chester, and the greatest part of his principal tenants, to attend him into Italy, and assist him in the undertaking. These Normans receiving large promises from the bishop, and being desirous of seeing foreign countries, engaged to put themselves in a military equipage and go along with him: and concluding they should have a large share in his favour and successes, they designed to sell their estates, and take leave of England.

King William being advertised of this preparation, was sensible his kingdom would receive prejudice by exporting so much treasure, and by losing the service of so many Normans of figure. To prevent this inconvenience, he resolved to give a check to his brother's designs. To this purpose he sailed with all expedition from Normandy into England, and met his brother unexpectedly in the Isle of Wight, where this prelate was ready to embark for France with a very splendid equipage. The king putting a stop to the voyage, summoned the great men to his court, and delivered himself to them to this purpose:—

A. D. 1085.

“He acquainted them that, the affairs of Normandy requiring his appearing in person, he trusted his brother Odo

with the administration in England; that he had met with unexpected rebellions and great disturbances in Normandy, but, by the blessing of God, had brought his affairs there to a happy conclusion. That during his stay in that duchy, his brother, the bishop of Baieux, had very much misbehaved himself in England, oppressed the subjects in an unprecedented manner, and robbed the churches of their estates settled upon them by his predecessors. And as for the forces, says he, which I left to defend the country against the Danes and Irish, he has endeavoured to debauch them from my service, and carry them into Italy, without so much as acquainting me with it. I am extremely troubled for this disorderly management, and especially for the damage the Church of God has suffered; the Church, I say, whom all the Christian princes before me have been so solicitous to cherish and protect.—And, notwithstanding we have so many pious precedents of the munificence of the Saxon kings to direct our imitation, my brother, who had the government of the whole kingdom put into his hands, has harassed the Church, oppressed the poor, spirited away my troops with chimerical expectations, and by his arbitrary exactions has impoverished the whole kingdom, and put it out of order. I desire, therefore, you would give me your advice, and direct me in the measures to be taken upon this important occasion.

WIL-
LIAM I.
K. of Eng.

When the king perceived the nobility were afraid of Odo's greatness, and declined the delivering their opinion, he told them, "No man's quality ought to be a protection for his crimes; and that no single person was to be spared to the prejudice of the public." And having said this, he ordered them to apprehend his brother, and keep him in safe custody, for fear of farther disturbance. And when none of them would venture to lay hands upon a bishop, the king seized him himself. Odo insisted upon his being a clergyman, and that no bishop ought to be tried by any person but the pope. The king replied, he did not seize him as bishop of Baieux, but as earl of Kent; that under that last distinction he was subject to his courts of justice, and that he expected an account of the management of his commission. Odo being thus seized, was transported into Nor-

Odo is arrested by the king, and imprisoned in Normandy.

LAN-
FRANC,
Abp. Cant.
Orderic.
Vital. ibid.

mandy, and imprisoned in the castle of Rouën during the king's life.

About this time the order of the Carthusians was founded by Bruno, born at Cologne, and canon of Rheims. This person, with six of his companions, retired to the solitude of Chartreuse in Dauphiné, assigned him by Hugh, bishop of Grenoble.

255.

It has been commonly reported, that this retirement of Bruno was occasioned by a prodigy in Notredame church in Paris, where the body of a famous doctor, called Diocre, raised his head from the bier at his burial, and cried out, "that he was arraigned, tried, and condemned by the just judgment of God." This story, notwithstanding the commonness of it, is probably a mistake: for Bruno himself, in a letter which he wrote from his monastery to Raoul le Verd, a dignitary of the Church of Rheims, presses him to turn monk, to make good their vow at Rheims; but says nothing of this prodigy, which, had it been true, would have been a powerful motive for the performance of his promise. Guibert, in the life of Bruno, relates that after the death of Gervase, archbishop of Rheims, one Manasses procured that see by simony; and to secure himself in his ill-gotten preferment, raised a company of guards, who attended him at every motion. That Bruno being much disturbed at this disorder, went off from Rheims with some of the clerks of the cathedral, and retired to a desert in Dauphiné. Farther, Peter, of Clugni, called the Venerable, mentioning the order of the Carthusians, instituted in his time by Bruno and his companions, relates, that these hermits were persuaded to renounce the world, by observing the irregularities of several monks, who lived in a scandalous neglect of their profession: but this Peter is altogether silent about the prodigy of the man raised from the dead, notwithstanding he had acquainted the reader in his preface that his design was to write an account of all the miracles he was certainly informed of.

The Carthusians' rule obliges them to great self-denial and severity. They wear sackcloth next to them; never eat flesh; fast on Fridays, with bread and water. They generally eat alone in their cells, excepting upon some particular holidays. They are bound to almost perpetual

silence. None of them are allowed to go out of their monastery, excepting the prior and the steward. No women are permitted to come to their churches. This order, though begun in France, was transplanted into England: for which reason I have given it a place in this work. The reader may see a farther account of the rule in the *Monasticon*.

WIL-
LIAM I.
K. of Eng.

To return to the Conqueror: the king having thus secured his brother, prevented the danger of his undertaking, and settled the kingdom to his satisfaction, made another voyage into Normandy; where, by the fatigue of the campaign, he contracted a distemper, of which he died September 9th, 1087, and was buried at Caen, in that province.

Baron. An-
nal. tom. 11.
ad Ann.
1086. Mo-
nast. An-
glic. vol. 1.
p. 949. Du
Pin. new
Eccles.
Hist. cent.
11. p. 127,
&c.

Huntington gives this prince a sort of a mixed character, and throws an alloy into his good qualities. He makes him stand very much to the point of interest; that he affected fame to an immoderate degree; that though he was very courteous and complaisant to the Church, yet those that opposed his designs in any thing, were sure to be overborne: witness the rugged usage of his brother above-mentioned. He loved hunting the deer to an extravagant excess, and demolished several towns and churches in Hampshire to make New Forest for his diversion. He was very successful in his undertakings: for besides the advantages he gained in Bretagne, and other provinces in France, he made himself an absolute monarch in England, and ordered so exact an enquiry into the estates of his subjects there, that there was not so much as a hide of land in the whole country, with which he was unacquainted, either as to value, situation, or to whom it belonged. This general survey, called *Doom's-Day-Book*, was made in the year 1086. To proceed, he brought Scotland and Wales to submission and homage: and as for England, notwithstanding the commotions occasioned by the Conquest, he quelled all disturbances to that degree, that a woman might have travelled safely with a bag of gold all over the country. When he lay upon his death-bed, he comforted himself by recollecting he had never offered violence to the Church; that he had endeavoured to stand clear of simony; that in the disposal of ecclesiastical preferments, he always had respect to the learning and piety of the person; and, therefore, he desired

Hunting-
ton's cha-
racter of
king Wil-
liam.

Huntig.
Hist. l. 7.
fol. 212.
Ingulph.
Hist. fol. 79.

Hunting.
ibid.

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FRANC,
Abp. Cant.

the clergy to consider the affection and regard he had always shewed to their order, and assist him with their prayers by way of return.

*The Con-
queror's
justice and
favour to the
Church.*

*The civil
and ecclesi-
astical
courts sepa-
rated.*

See Collec-
tion, n. 6.

256.

To do this prince justice, he was not so far governed by the rigour of his temper, or elated by his conquests, as to lose all impressions of religion: for, to do him right, he took care of the interest of the Church in several considerable instances. To mention some of them: he parted the civil and ecclesiastical jurisdictions, and made a law, that no bishop or archdeacon should hold pleas in the hundred concerning ecclesiastical matters, and that no cause relating to the discipline and government of the Church, should be brought before a secular magistrate; but that every person that was answerable to his ordinary for the breach of the canons should make his appearance at the place appointed by the bishop, and that the process should be managed, and sentence given by the direction of the ecclesiastical constitutions. And if any person should be so haughty, as to refuse to appear at the bishop's court, he was to be excommunicated after the third summons: and if after all this, the offender continued stubborn, the sheriff, upon demand, was to bring him to reason by the posse of the county. And here, no sheriff, king's officer, or any lay person whatsoever, was permitted to encroach upon the bishop's jurisdiction, or intermeddle with ecclesiastical affairs. This law is said to have been made by the advice of the archbishops, bishops, and other great men. Before this reformation of justice, as the charter calls it, the bishop used to sit with the sheriff in the county court, and with the hundredary in the hundred court, if he pleased, where ecclesiastical and civil causes were tried by their joint authorities: but from this constitution of king William's, the separation of both jurisdictions bears date.

*He orders a
restitution
of the
Church
lands seized
by his Nor-
mans.*

Another instance of this prince's regard to the Church, was his precept for the restitution of what had been taken away from the bishopricks and abbeys. We may easily imagine a victorious army of foreigners would not always be conscientious enough to distinguish between what was sacred and secular: upon such an advantage the guards of religion are frequently broken through, and the sin of sacrilege overlooked. The king was sensible this was the case

in many places in England, and that the privilege of the Church was not of force sufficient to make the Normans lose the opportunities of good plunder. When, therefore, the heat and license of the war was over, and the times grew calm enough for the doing justice; the king directed his writ to Lanfranc, archbishop of Canterbury, Galfrid, bishop of Constance, Robert, earl of Ou, and other great men of the kingdom of England; by virtue of which they were to summon the sheriffs of the respective counties, commanding them, in the king's name, to restore the bishopricks and abbeys, the lands, lordships, and jurisdictions, which the bishops or abbots had surrendered to them, either out of fear, or any other unwarrantable motive; or which they had seized by violence themselves. And unless the sheriffs obeyed the order, and made full restitution, the great men to whom the precept was directed were to compel them by force of arms.

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LIAM I.
K. of Eng.

See Re-
cords, n. 7.

This was a general order for doing justice to the Church, to which we may add another precept, sent to the sheriffs in favour of the abbey of Ely: it is for the restoring of all lands, privileges, and customs which belonged to that monastery at the death of king Edward the Confessor. Amongst other privileges and jurisdictions of the abbey, the writ makes a recital of these following: *Sacha, and Socha; Toll and Team, and Infanganetheof, Hamsocna and Grithbrice and Flithwite and Ferdwite*. Now these being all privileges granted to baronies and lordships by the Saxon kings, I shall explain them in a word or two to the reader.

See Re-
cords, n. 8.

Sacha imports a jurisdiction granted by the crown to a lord of a manor, to hold pleas, punish misdemeanours, and receive forfeitures. Socha is said to signify the precinct or extent in which the Sacha and other privileges take place; though in the opinion of Fleta, Socha signifies the liberty of holding a court baron, and Sacha, a discharge from appearing at the county or hundred court. Toll imports an exemption from paying toll in any part of the kingdom. Team, in the Saxon times, as Sir Henry Spelman understands it, signified a privilege of holding pleas concerning warranty of titles; it is likewise taken for a royalty, granted by the king's charter to the lord of a manor, for the keeping, restraining, and judging bondmen, neifs, and villains, with

*The privi-
leges of
manors ex-
plained.*
Brompton's
Jurisdiction
of Courts.
Spelman et
Somner.
Gloss. Fle-
ta. l. 1. c.
47.

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FRANC,
Abp. Cant.

their children, goods, and chattels. Infanganetheof signifies a jurisdiction for trying any thief apprehended within the liberties of a manor. Some restrain this privilege only to the tenants of a manor, and others make it reach only to those who were taken in the act of stealing, or with the stolen goods about them; but the general signification of a thief, under any circumstances of proof against him, seems to be the truest. Hamsocna signifies a fine levied upon those who were guilty of breaking into a house, and the lord who had the privilege of Hamsocna, had both the cognizance of the cause, and the profit of the fine. Grithbrice was a breach of the king's peace. Flithwite signifies a penalty for riots and frays; and Ferdwite was a fine payable for refusing to serve the king in the field: and those lordships that had these fines granted to them, had likewise the jurisdiction of trying the offender.

William,
bishop of
London, a
great bene-
factor to
that city.

See Re-
cords, n. 9.

See Re-
cords, n. 10.

To proceed: the Conqueror granted a charter of considerable privileges and immunities to the cathedral of St. Paul's. And here it may not be improper to take notice, that William, bishop of London, procured a very beneficial charter of the Conqueror for that city. This being so considerable an obligation, there was an anniversary respect paid to his memory; it being the custom for the lord mayor and aldermen of London, to go in procession every year about the bishop's tomb in the cathedral; and in the seventeenth century they ordered a very honourable inscription to be cut upon it. Bishop Godwin is mistaken in assigning this bishop's death to the year 1070, for it is certain he was present at two London synods, the last of which was held in the year 1075.

Spelman.
Concil. p. 7.
vol. 2.

The charter
of Battle-
Abbey.

See Re-
cords, n. 11.

257.

The next considerable occurrence relating to Church affairs in this reign, is the charter granted by the Conqueror to Battle Abbey in Sussex. This abbey, as the charter sets forth, was founded in the place where this prince gained the victory over Harold. That which is most remarkable in the grant is, the exemption of the abbot and convent from episcopal visitation. From hence it may probably be inferred, that the Conqueror looked upon himself as supreme ordinary, and the fountain of ecclesiastical jurisdiction. But to this it may be answered, that though the charter runs in the royal style, and goes much upon the

Conqueror's authority, yet it was not passed without the consent of Lanfranc, archbishop of Canterbury, Stigand, bishop of Chichester, and the rest of the English bishops. And here Lanfranc, and Stigand are the only prelates mentioned by name; to shew that the consent of the archbishop of the province and the bishop of the diocese, was thought necessary to make the exemption firm and canonical: and that the Conqueror's single grant reached no farther than property and civil privilege. This charter being thus fortified with the bishop's consent and subscription, and excommunication denounced by them, against those that should violate the privileges, gives the matter an ecclesiastical face, and carries the sanction of a synod.

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LIAM I.
K. of Eng.

The inde-
pendency of
the Church
upon the
state, in mat-
ters purely
spiritual.

Sir Edward Coke, who disputes strongly for the ecclesiastical jurisdiction of the crown, advances a wrong ground for this authority. He founds this spiritual commission of princes, upon their being anointed with oil at their coronation: *Reges sacro oleo uncti sunt spiritualis jurisdictionis capaces*. But this is a mistake; for if the anointing with oil conveys a spiritual authority, then great numbers of the laity, in the primitive times, would have had this privilege; for this ceremony of anointing was frequently practised upon the sick for several centuries: and yet, I believe, it was never thought such persons commenced governors of the Church upon their recovery.

Coke's Re-
ports, part 5.

Ibid. f. 16.

St. James 5.

The case of præmunire, reported by sir John Davis, argues learnedly against the pope's encroachments; but then the case mistakes, in affirming the pope's jurisdiction in England began with the Norman Conquest: for it is plain, this prelate pretended to a superintendency over the English Church before that period. To give an instance or two: the pope granted an exemption from episcopal visitation to the abbey of Malmsbury, in the reign of king Ina, in the eighth century. Pope Leo III. removed the metropolitanical see from Lichfield, and restored it to Canterbury in the ninth. And in the eleventh century, king Edward the Confessor, in his letter to Nicholas II. salutes him as supreme governor of the Church, sends to him for a dispensation, and received his legates: but after all there is no good consequence from fact to right; neither have I any intention to

Davis's
Irish Re-
ports.

Ibid. fol.
87, 88, 89.

Malmsbur.
l. 5.
De Pontif. p.
352, 353.
Inter 15.
Scriptores.
Spelman.
Concil. vol.
1. p. 324.

Aildred
Rieval. de

Vit. et Miracl. Edw. Confes. p. 387. Florent. Wigorn. ad Ann. 1062.

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FRANC,
Abp. Cant.

argue for the excessive pretences of the see of Rome. However, the disproof of the pope's spiritual authority in this island, does not infer that it must necessarily be lodged in the crown. There is a third seat for this privilege, and that is, the bishops of the country.

To proceed : if by ecclesiastical jurisdiction is only meant some part of that authority exercised in the bishops' courts, such as the probate of wills, the disposal of the goods of the intestate, and such other matters, where property is concerned ; these, without doubt, are grants from the state and crown, and cannot be challenged by the bishops upon the score of their spiritual character. But if by ecclesiastical jurisdiction, is meant a right of admitting members into the Church and casting them out of it, a power for the regulation of discipline and worship, and performing such other functions as are necessary for the government of a society,—if these powers are meant by ecclesiastical jurisdiction, it may be, it will not be so easy to prove them within the commission of the civil magistrate : Besides, if these learned men of the long robe extend the prerogative thus far, they seem to mistake in their way of proof ; it is their method to cite precedents, and rest the point upon authorities of law ; but, under favour, this topic is by no means sufficient to decide the question : for all persons, not infidels, will grant that Christianity is the last revelation of the will of God : that it is settled for a standing rule of belief and practice, and to continue to the world's end. The enquiry will be therefore, upon whom our Saviour settled the government of his Church ; who are his representatives in his kingdom ; and whether he has made this spiritual society dependent on the state or not. The question then must be determined, not by statutes or common law, but by the New Testament and the practice of the primitive times. And if it appears, that God has given the Church a commission to govern herself, and made her independent of the civil authority, it is not in the power of princes to revoke her charter, or overrule the divine institution.

Now that the Church is settled independently of the state may be made good : first, from the original of ecclesiastical authority : secondly, from the practice of the primitive Christians.

First, from the original of ecclesiastical authority. The power of governing the Church, and performing the offices of religion, is neither any gift of the people, nor held by commission from the prince. It springs from a greater original, and derives no lower than from heaven itself. Our blessed Saviour, who redeemed the Church, was pleased to settle the administration by his own appointment: from him the apostles received authority to teach and govern such as were converted by them. The words of their commission are plain, and expressed with all imaginable advantage: "As my Father hath sent me, even so send I you: whosoever sins ye remit, they are remitted," &c. Upon this account the apostles are called the ambassadors, and ministers of Christ. And the people are commanded to obey and submit themselves to those who have this spiritual authority. Neither was this power to expire with the apostles; but to be conveyed by succession through all ages of the world, there being the same reason for its continuance as for its first institution: and accordingly we find from St. Paul, that one motive of his giving Titus the superintendency of Crete was to ordain elders in every city. Thus Clemens Romanus tells us, the apostles in their travels used to ordain bishops for the advantage of such as were only Christians in prospect, as well as for those that were already converted. Now, our Saviour, we know, was no temporal prince: he refused to interpose in a case of property, and declared expressly, that his kingdom was not of this world. From whence it is plain, that the authority which our Saviour gave the Church, can have no dependence upon the state, because it was never derived from thence. It is true, all power, both sacred and civil, comes originally from God; yet under the Jewish and especially under the Christian institution, the crown and mitre have been divided. And though the same persons are capable of both, yet the claim must be made on a different account, and conveyed by titles perfectly distinct. And since the ecclesiastical authority does not hold of the civil magistrate, it cannot be forfeited to him: as the state cannot consecrate bishops and priests, so neither can they recal their character, or restrain them in the exercise of their function; there being no reason a privilege should be either extinguished, or limited by those who were never

WIL-
LIAM I.
K. of Eng.

John 20. 21
23.

1 Cor. 4. 1.
258.

Heb. 13. 17.

Titus 1. 5.
1st Ep. ad
Corinth.

St. Luke
12. 14.
St. John
18. 36.

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FRANC,
Abp. Cant.

masters of the grant : for what a man has no power to give, he can have no right to take away.

Acts 4. 19.

Verse 20.

Acts 4. 8.

Secondly, the practice of the apostles, and of the whole primitive Church, is another proof that the ecclesiastical authority was perfectly *sui juris*, and never under the control of the secular magistrate. Thus when the Sanhedrim of the Jews, who acted by the authority of the Romans, and had the assistance of the captain of the temple ; when they imprisoned the apostles, and commanded them not to speak at all, nor teach in the name of Jesus : to this their answer is plain and positive ; “ Whether it be right in the sight of God to hearken unto you more than unto God, judge ye ? ” That is to say, they had a commission from heaven to preach the gospel, which they were bound to execute, and which no temporal jurisdiction had any authority to revoke. Whereas, had the Church been under the check of the state, in matters purely spiritual, St. Peter and St. John were much to blame for refusing to obey their superiors : they ought to have acquiesced in the Sanhedrim’s prohibition, and not to have pursued their function after they were so solemnly silenced ; and that by those whom themselves owned to be rulers of the people. Either therefore the Church must be constituted independent of the state, or the apostles can never be cleared of the charge of sedition. The same imputation will, upon Erastian principles, affect the bishops of the universal Church for the first three hundred years ; who held public assemblies, governed their clergy and their people, and performed all parts of their office, not only without any authority from their respective princes, but often contrary to their express commands, which matter of fact is so well known, that it would be superfluous to enlarge upon the proof of it.

If it is objected, that the emperors within the time above mentioned were all heathens, but that when princes turn Christian it makes an alteration in the case ; to this it has been already answered, that the receiving princes into the Church by baptism, does by no means enlarge the prerogative of the crown, or cancel that charter of jurisdiction granted by our Saviour to the apostles, and the bishops, their successors. Though the benefits of baptism are inestimable in other respects, yet they do not extend the autho-

rity of the person baptized, or give him any branch of government which he had not before. Therefore, if the Church was *sui juris* under heathen princes, she is no less so under those that are Christian.

 WIL-
LIAM I.
K. of Eng.

And as for the state, there is no occasion for any apprehensions of ill consequence upon this account. This settlement is not at all prejudicial to the temporal government. The independency of the Church can never shake any prince's throne, nor do the least disservice to his authority. The commission of the hierarchy reaches no farther than matters purely spiritual: the clergy are subjects no less than to the laity. The Church, by her divine charter, can make no seizure of liberty and property: her censures relate only to the other world. Our Saviour has given her no authority to encroach upon the rights of the state. It is true her spiritual governors are obliged not to surrender her authority to the secular magistrate, neither, indeed, can they do it; such an attempt is a contradiction to the divine establishment, and would be both a sin and a nullity.

But then, on the other side, since the sword was not put into the Church's hands, they are not to contest their privileges by resistance, or revenge their sufferings by force and fighting. In case of extremity, prayers and tears are the Church's only weapons against the oppressions of the state. To dispense with oaths of allegiance; to dispose of kingdoms, and raise the subject against the prince, are by no means within the verge of spiritual jurisdiction. These are flaming usurpations upon civil right. The apostles and primitive bishops, though they propagated the faith and governed their converts against the prohibitions of the state, yet they were always inoffensive to the empire, and took care to give Cæsar his due. But so much for this digression, which I hope may not be foreign to the history in hand.

259.

About this time, Thomas, archbishop of York, wrote a letter to Lanfranc of Canterbury, in which he acquaints him, that Paul, earl of the Orcades, had sent him one Ralph a clergyman with letters, importing a request, that the said Ralph might be consecrated bishop for those islands. This clergyman in conformity to the custom of his predecessors, applied to the Church of York for his consecration: upon which Thomas, the archbishop, desires Lanfranc to send him

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FRANC,
Abp. Cant.

two of his suffragans to assist him in the solemnity; and that the matter might not be drawn into a precedent to the prejudice of the bishops of Lincoln or Worcester, in case they were sent: to prevent this objection, he declares before God, he would never set up any claim of authority over those sees upon this score. This letter is penned with great deference and submission: Thomas calls himself son and homager to Lanfranc, and owns his jurisdiction over the whole island. But it may be enquired, what necessity was there for the Church of York to apply to that of Canterbury upon this occasion? Had not Thomas suffragans enough within his own province to satisfy the canons? Could not the northern province of England and the kingdom of Scotland furnish two prelates for this solemnity? In answer to this it may be said, that it seems hinted in archbishop Thomas's letter that a due number of prelates could not be so conveniently had from the province of York as from that of Canterbury. This appears to have been the true reason of the application: for that the archbishop of York was bound by virtue of his canonical obedience, not to consecrate any bishops within his province without leave from the primate of Canterbury, is very improbable, and contrary to the practice of the ancient Church.

Upon the receipt of this letter, Lanfranc writes to Wulstan, bishop of Worcester, and Peter, bishop of Chester, and acquainting them with the contents of archbishop Thomas's letter, commands them to go to York at the time assigned, and assist at the consecration. *Non enim decet, says he, ut qui sacrandus in hanc terram venit, et cum omni humilitate sacrare se postulat, inopiâ adjutorum à tanto regno non sacratus abscedat.* From this clause it appears plainly, that the archbishop of York could not, without great difficulty at least, procure a just number of bishops out of his own province to assist him upon this occasion. And thus the reason of his application is accounted for.

Seld. Not.
ad Eadmer,
p. 261.
Malms. de
Gest. Reg.
l. 5. fol. 91.
Hoveden,
Annal. fol.
343.

To return to the Conqueror. This prince, amongst other Saxon constitutions, confirmed the law relating to the payment of tithes, made in the reign of Edward the Confessor; but this law having been already mentioned needs not be repeated.

Another remarkable passage relating to ecclesiastical affairs, is the Conqueror's letter to pope Gregory VII. In this letter the king takes notice of two demands made by the pope; one was for the payment of three years' arrears of the Peter-pence: the other was a demand of homage from the crown of England. The king gives him satisfaction upon the first head, and promises the Peter-pence should be better collected for the future: but as for the point of homage he sends him a positive denial; alleging that he had made no promise of that kind himself, neither was any such submission paid to the see of Rome by his predecessors. These allegations were most true, but Hildebrand was a very enterprising ambitious prelate, had met with success in his attempts upon the emperor, and therefore was resolved, it seems, to push his fortune in other places. But the Conqueror was a prince of too much spirit and capacity to be thus imposed on; and, by the way, though his answer to the pope is couched in terms of respect, yet it has not that air of submission and profound reverence which the Confessor expressed in his address to pope Nicholas II.

WIL-
LIAM I.
K. of Eng.

*The Con-
queror's an-
swer to the
pope's de-
mand of
homage.*

See Re-
cords, num.
12.

But notwithstanding this prince guarded well against encroachment: though he took care to make the most of his crown, and, it may be, strained his prerogative too far upon the Church in some cases; yet he never carried the point so far as to depose any bishop upon the strength of the regale: these matters were always left, as far as it appears, to the management of ecclesiastics. Thus Stigand, archbishop of Canterbury, Agelric, bishop of Selsea, and Agelmar, of Helmam, were all deprived at the synods of Winchester and Windsor. And when Wulstan, bishop of Worcester, had like to have met with the same fate upon pretence of his insufficiency, the charge was brought in by Lanfranc, archbishop of Canterbury, and managed before the rest of the bishops at the council of Pedrede.

*No bishops
set aside in
the Con-
queror's
reign with-
out synodi-
cal depriva-
tion.*

Hoveden,
Annal. fol.
260. Flo-
rent. Wi-
gorn. ad
An. 1070.

Malmsb. de
Gest. Pon-
tif. fol. 160.
Stow's Sur-
vey of Lon-
don, Cole-
man-street
ward.

In this king's reign a great many Jews transported themselves from Rouën, and settled in London, Norwich, Cambridge, Northampton, &c. But that this was their first colony in England is a mistake in Fuller, as appears by the laws of the Confessor, already mentioned.

260.

Before we conclude with the Conqueror, it will not be amiss just to mention his descent, and the division of his

Fuller's
Church
History,
book 8. p. 9.

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FRANC,
Abp. Cant.

dominions. As to his genealogy, this king William was natural and only son to Robert II., duke of Normandy, and the seventh in a direct line from duke Rollo: his mother's name was Herlotte, daughter to Fulbert, chamberlain or groom of the chamber to his father Robert. At his death he bequeathed his duchy of Normandy to Robert his eldest son; the kingdom of England to William Rufus his second son then living; and as for Henry the youngest, his fortune was only five thousand pounds in money.

Florent.
Wigorn. ad
An. 1087.
Odericus
Vitalis, fol.
659.

The last year of this reign, St. Paul's cathedral was burnt, together with the greatest part of the city of London.

A. D. 1087.

William Rufus, having the kingdom of England devised to him by will, left his father some little time before he expired, and transported himself with all expedition; and by the interest of Lanfranc, and giving large bounty to every parish, made his way to the throne. To dispose Lanfranc more effectually to appear for him, the Conqueror wrote a letter to this prelate upon his death-bed to crown his second son. This letter William Rufus brought over with him; and had his coronation solemnized at Westminster on the 27th of September. Lanfranc, who had formerly knighted him, put the crown upon his head. To dispose this prelate to engage, he made him large promises of a fair administration; but having gained possession, he seemed to forget his word, and when the bishop put him in mind of his promise, he replied with some resentment, that no person could be exact to his engagements in everything. His uncle Odo, and a great part of the English nobility, declaring for his brother Robert, might probably ruffle this prince, and make him treat the English with greater rigour.

William
Rufus
crowned by
Lanfranc.
Odericus
Vitalis, p.
663.

Malmsb. de
Gest. Reg.
fol. 67.

Malmsb. de
Gest. Reg.
et de Gest.
Pontif.

The next year, Giser Hasban, bishop of Wells, departed this life. He was a Lorrainer by birth, and preferred by Edward the Confessor, who joined him in commission with Aldred, archbishop of York, in an embassy to Rome, where he received his consecration. He was a great benefactor to the Church of Wells, recovered most of the estates seized by Harold, and increased the number of the prebendaries.

Angl. Sacr.
pars 1. p.
559.

A. D. 1089.

Lanfranc being disappointed in William Rufus, and perceiving the kingdom embroiled, and a storm likely to fall upon the Church, grew melancholy, and departed this life in May, in the year 1089. This archbishop was a great bene-

The death
of Lanfranc,
with his
character.

factor to his diocese. He rebuilt Christ Church from the foundation, which had been burned in Elphegus's time by the Danes. He settled the number of monks in that church, fixed them at a hundred and fifty, formed a rule or statutes for them, gave them a prior instead of a chorepiscopus, and made a present of a great many rich ornaments to the church. He was a considerable benefactor to the cathedral of Rochester and the monastery of St. Albans, and planted monks in both of them; which, by the way, is an argument they were furnished with secular priests before. To proceed: he built two churches and two hospitals in Canterbury, and erected several churches in the manors belonging to the archbishoprick. He had a famous trial with Odo, bishop of Baieux, and earl of Kent, at Penenden Heath: the cause was heard before most of the great men of England, and was three days in pleading. Gosfrid, bishop of Constance, was the king's justitiary. Here Lanfranc pleaded his own cause, and recovered five-and-twenty manors, together with all the customs, services, and privileges anciently belonging to the estates of that see. He was likewise careful to preserve his metropolitical privileges. To this purpose, he wrote a letter to Stigand, bishop of Chichester, in which he complains of Stigand's archdeacons for taking money by way of synodals of the clergy of Sussex, that dwelt within any of the manors of the archbishoprick, and exempts all the parish priests, who lived in his towns, or where he was patron, from the jurisdiction and visitation of the bishop. This privilege seems to have been the original of 'Peculiars.' In this letter the archbishop, though he writes in a determined manner, and with an air of authority, pretends to nothing new, but grounds his claim upon ancient usage.

WIL-
LIAM II.
K. of Eng.

Gervasius
Dorober-
nensis.

Ernulphus
de Rebus
Eccles.
Roffens.
Angl. Sacr.
par. 1. p.
335. Diceto.
See Re-
cords, num.
13.

Eadmer
Hist. No-
vor. 1. 1. p.
12.

The Conqueror had a great opinion of Lanfranc's conduct and capacity, and left the direction of affairs in his hands, when himself was absent in Normandy: for Lanfranc, to do him right, was no less fit for business than books; and a good statesman as well as a divine. He was a person of great charity, and was very careful and active that minors, widows, and poor people, should suffer nothing by the disadvantage of their condition.

His character, with respect to learning, was considerable, as appears by his writings. To mention some of them: he

LAN-
FRANC,
Abp. Cant.

261.

*Lanfranc
writes
against
Berenga-
rius.*

Du Pin. Ec-
cles. Histor.
cent. 9. p.
71. et deinc.

Du Pin. ib.

wrote a commentary upon St. Paul's Epistles, several letters to pope Alexander II. and to Hildebrand, archdeacon of Rome, and to several bishops in Normandy and England, the contents of which are too long to insist on. He likewise wrote a Treatise of Confession, a Commentary upon the Psalms, and an ecclesiastical history, which last is not extant, but of all his works, his treatise concerning the body and blood of our Saviour in the holy eucharist was most remarkable. In this book he disputes against Berengarius, and maintains a carnal presence, formerly held by Paschasius Radbertus. 'That this opinion was not the doctrine of the Church of England in the latter end of the tenth, or the beginning of the eleventh century, appears by the Easter homily already mentioned, under Elfric, archbishop of Canterbury.

When Paschasius, a monk of Corbey, who lived in the ninth century, asserted a corporeal presence in the holy eucharist, and that Christians eat the same body that was born of the blessed Virgin, and drank the same blood which was shed upon the cross, people were startled at the novelty of the terms, and several persons of figure wrote against him, such as Bertram, Johannes Scotus, &c., who were consulted upon this question by the emperor Charles the Bald. Father Mabillon grants, that notwithstanding the Catholics believed the real presence of Christ's body in the eucharist, yet Paschasius was the first that dogmatized so far upon the manner, and affirmed it the same body with that which was born of the blessed Virgin. The novelty of this assertion, as he goes on, shocked several great men, and made them write with vigour and sharpness against him. This controversy seems not, as monsieur Du Pin represents it, to be a bare dispute about words: for though both parties acknowledged a real presence, there was, notwithstanding, a great difference between them. Radbertus was for a carnal and bodily presence; Bertram, Scotus, &c., were for a spiritual and figurative presence, which, as to the effects and benefits, is no less real than the other.

As for Lanfranc, he came up to the corporeal notion, and defended the opinion of Paschasius Radbertus against Berengarius. That this doctrine had gained ground in the western Church in the latter end of this century, appears by

Berengarius's profession of faith at his recantation at the council of Rome, held under Gregory VII. in the year of our Lord 1078. This Berengarius being one of the principals in the controversy, and the person that gave the occasion of writing Lanfranc's book, a short account of him may not be unacceptable to the reader.

WIL-
LIAM II.
K. of Eng.
Du Pin. Ec-
cles. Hist.
cent. 11. p.
10.

Berengarius was born at Tours about the end of the tenth or beginning of the eleventh century. He studied at Chartres, under Fulbert, bishop of that city. After the death of that prelate, he returned to Tours, and having a great character for his learning, he was chosen lecturer in the public schools of St. Martin. In this post, he conducted himself to such satisfaction that they made him treasurer of the church of St. Martin. From hence, after some time, he removed to Angiers, where he was well received by the bishop, who made him archdeacon of his church, and treated him with a particular regard. Here, about the year 1047, he began to publish his sentiments upon the eucharist. Lanfranc, who lived then in Normandy, hearing of Berengarius's tenets, engaged in the controversy against him, upon which Berengarius wrote him a letter, in which he gave him to understand that he was much to blame for charging John Scotus with heresy for his opinion concerning the sacrament of the altar; that he could not condemn him for what he delivered about this point, without laying the same imputation of unorthodoxy upon St. Ambrose, St. Jerome, St. Augustine, and several others of the fathers. When this letter was sent to Normandy, Lanfranc was gone to Rome; but falling into adversaries' hands, it was brought to pope Leo IX. in the year 1050, and a council being then held at Rome, it was condemned in the synod; Berengarius was excommunicated, and Lanfranc obliged to purge himself of the suspicion of holding too close a correspondence with Berengarius, and of being infected with his belief. This test Lanfranc underwent cheerfully enough, and satisfied the synod.

*A short
account of
Berenga-
rius and his
doctrine.*

This year there was another synod held at Verceil. Here pope Leo IX. was present. Berengarius was likewise summoned to the council; but thinking it not safe to appear in person, he sent two proxies to make his defence. In this synod the book of John Scotus was condemned: the

LAN-
FRANC,
Abp. Cant.

opinion of Berengarius was likewise particularly examined and censured, and the contrary doctrine maintained by Lanfranc approved by unanimous consent.

Berengarius, not at all convinced by the proceedings of this council, went on in the justification of Scotus, and dropped some satirical expressions against Paschasius; and thus giving farther provocation to his adversaries, he was cited to the council at Tours, held in the year 1055, where Hildebrand was legate to pope Victor II. Here Berengarius being probably overawed by the apprehension of ill usage, renounced his opinion and came over to the sentiments of the synod.

Du Pin. Ec-
cles. Hist.
cent. 11. p.
7, 8, 9. et
deinc.

But fear and force are seldom lasting principles: for it was not long before he appeared to change his mind, and wrote several tracts in defence of his former doctrine: but being cited by pope Stephen X. to a council held at Rome in the year 1059, his courage failed him again. It is true, at first he maintained his opinion against Lanfranc and Albericus a monk of Mount Cassin, but afterwards he yielded the point, and professed himself ready to subscribe the article contested, in any form the council should please to order. A confession of faith was accordingly drawn up by cardinal Humbert. By this form, which was both subscribed and sworn, he abjured his opinion, and declared fully for that of his adversaries. And afterwards to give farther satisfaction, he burned his own writings and the book of John Scotus.

262.

Ibid.

But unless a man's honesty is perfectly subdued, these turns of interest are often but short lived: for conscience without conviction is always uneasy. Thus Berengarius was no sooner returned to France, and retired to a place of safety, but he relapsed again, as they called it; maintained his former tenets openly, repented the burning of his writings, and published a new piece upon the old argument: and this is that tract which Lanfranc endeavoured to confute. And more than this, he expressed himself with great freedom in dislike of pope Leo IX. And when pope Alexander II. pressed him earnestly in a letter to renounce, he sent him word he was fixed in his belief, and was resolved to abide by it. In the year 1063, there was a provincial council held at Rouën, against Berengarius, and another at

Ibid.

Poitiers twelve years after. At the latter of these Berengarius was present, and was in danger of losing his life: but this accident made no other impression, unless to give him a worse opinion of the other party. At last Gregory VII., in a council held at Rome in the year 1078, brought Berengarius to another recantation, which appears to be more full and explicit than those he had made before. By this form he declares that the bread and wine upon the altar, are substantially changed by the mysterious operation of the consecration, and by the words of our Saviour, into the true, proper, and quickening body and blood of our Lord Jesus Christ: and not only figuratively, and sacramentally, but truly, properly, and substantially.

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LIAM II.
K. of Eng.

And now one would have thought Berengarius had been perfectly conquered; but it seems his conscience made him fly out once more, and declare for his old opinion, upon which account he was forced to appear at a council of Bourdeaux, convened in the year 1080, and this was the last public scene of his life. The rest of his time he spent in retirement near Tours, and died in the year of our Lord 1088. Hildebert, bishop of Manes, gives him a great character for his learning and morals.

Du Pin. ib.

Baronius, upon the mention of his death, calls him a rotten heretick; which is a sign he suspected his dying with his old belief about him. And monsieur Du Pin, who writes with much more temper than the cardinal, seems to believe that he either went out of the world in his error, as he calls it, or else that he changed his mind but a little before his death.

Baron. An-
nal. tom. 11.
ad An. 1088.

Du Pin.
ibid. p. 11.

Lanfranc, in his answer to Berengarius, speaks plainly for a corporeal presence, and comes up to the form prescribed to his adversary in the Roman council, held under pope Gregory VII. He represents this doctrine as the general belief of the fathers. But to say nothing farther, he seems not either to have seen or examined the epistle of St. Chrysostome to Cæsarius; where this father disputing against the heresy of Apollinarius, brings an instance, by way of illustration, from the holy eucharist. "The bread," says he, "before consecration, is called bread; but after it has passed through the force of the solemnity, and been consecrated by the priest, it is then discharged from the name of bread, and dignified with the name of our Lord's body, though the

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Chrysost.
Epist. ad
Cesar.
See Dr.
Wake's De-
fence of the
Exposition
of the
Church of
England, in
the Appen-
dix.
Theodor.
Dialog. 2.
p. 85.

nature of bread still remains in it." And thus, by the form of the expression, the application of the instance, and the force of the comparison, he shews clearly that he believed the nature or substance of bread remained unchanged after consecration. Theodoret has a passage full to the same purpose; it is in his second dialogue between Orthodoxus and Eranistes; the latter of these two persons represents an Eutychian. Now by the doctrine of the Eutychian heresy, our Saviour's human nature was absorbed by the divine. To make good these points, Eranistes argues from the change of the elements in the holy eucharist: "As the symbols of our Saviour's body and blood," says he, "are one thing before the invocation of the priest, but after the prayer of consecration has passed upon them, they are changed, and become another: so our Lord's body, after his ascension, is transformed into the divine substance." "You are caught in your own net," replies Orthodoxus, (who stands for Theodoret,) "*οὐδὲ γὰρ μετὰ, τὸν ἁγιασμὸν τὰ μυστικὰ σύμβολα τῆς οἰκίας ἐξίσταται φύσεως μένει γὰρ ἐπὶ τῆς προτέρας οὐσίας, &c.*" That is, 'the mysterious symbols do not lose their *nature* upon consecration, but continue in their former *substance*, &c.'

I mention these two testimonies, because I conceive them unanswerable, and not capable of any tolerable evasion.

Now to apply this matter farther; it is well known St. Chrysostome and Theodoret were never charged with any unorthodoxy or singularity of opinion with regard to the holy eucharist: we may therefore safely conclude, that their opinion in this matter was no other than the catholic doctrine of the primitive Church.

Lanfranc's
argument
against Be-
rengarius
not cogent.

Lanfranc proceeds, and argues from the absurdity of his adversaries' opinion, that if the eucharist was called the flesh of Jesus Christ, only because it is the figure of it, it would follow that the sacraments of the Old Testament were preferable to those of the New, because it is a greater mark of excellency to be the type of things future, than the figure or representation of things past. To this it may be answered, that the dignity of a type, or representation, does not consist in the respects of time, but in the advantage of the signification. Now as to the benefits, the sacraments of the Gospel, or new law, are very much preferable to those of the old, there being greater proportions of grace and divine

assistance annexed to them: and therefore, though the holy eucharist represents our Saviour's sufferings as a thing which is past, yet the invaluable blessings, the pardon of sin, and the conveyance of grace, are all present, and actually conferred in that holy sacrament. But my business is not to engage in any long dispute.

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LIAM II.
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To conclude therefore with Lanfranc, in a word or two upon his style. His manner of writing was neither figurative nor florid, but plain, and proper for dogmatical tracts. His reasonings are commonly close and well managed. He was thoroughly acquainted with the ancient Latin fathers, and the canons of the Church; and there were not many in that age who wrote with that exactness or made so good a judgment upon things.

Before we take leave of him, one passage relating to his life must not be forgotten, and that is a ruffling letter of pope Gregory VII. to command him to Rome, to pay his respects to his holiness. Now this prelate had formerly been at Rome for his pall in the popedom of Alexander II., but that it seems would not satisfy the lofty humour of his successor Gregory. His letter runs thus:—

“Brother, we have, by our apostolical legates, frequently invited you to Rome, to give us satisfaction concerning your belief; but hitherto you have, either out of pride or negligence, abused our patience, and delayed to answer our summons, without so much as sending any reasonable and warrantable excuse. As for the length and fatigue of the journey, that is no justification; for it is well known that a great many people much more remote than yourself, and disabled in their health almost to the last degree, have, out of their great regard to St. Peter, surmounted all these difficulties, and come in horse litters to pay their devotion. Therefore, by virtue of our apostolical authority, we enjoin you, that, setting aside all pretences and insignificant apprehensions of danger, you take care to make your appearance at Rome within four months after your receiving our commands; and neglect no longer to reform your misbehaviour, and come off from your disobedience, which has been borne with so long already. But if our apostolical order makes no impression upon you; if you take no notice of our

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summons, and have the assurance to continue incorrigible and disobedient, (which is as iniquity and idolatry, as the prophet Samuel speaks, 1 Sam. xv.,) you will certainly be thrown out of St. Peter's protection, and feel the weight of his authority; insomuch, that, unless you come before us within the time above mentioned, you will be suspended from all the functions of your character."

Baron. An-
nal. tom. 11.
ad An. 1081.

This letter was written in the year 1081, which was about eight years before the death of the archbishop; so that he had time enough to have taken the journey. But notwithstanding this menacing summons, it is certain Lanfranc never went to Rome to pay his submission, nor so far as it appears, sent any excuse upon the occasion. And as for the pope, he thought fit to come to a cooler temper, and drop the censure he had threatened.

Du Pin.
Eccles.
Hist. cent.
11. p. 68.

This pope, though monsieur Du Pin allows him to be a man of regularity and morals as to his private conversation, yet he does not stick to affirm that his zeal to promote the grandeur of his see transported him to unwarrantable excesses, and put him upon measures which were altogether indefensible. This learned writer confesses him the cause of great disturbances, both in the Church and empire; that he pretended to a power over kings and their dominions which by no means belonged to him, and that he carried the authority of the holy see a great deal too far. It seems the pope himself was sensible of his misbehaviour at last; for when he lay upon his death-bed, as Florence of Worcester reports, he sent for one of his favourite cardinals, and, making his confession to God and the whole Church, declared he had very much mismanaged in his office, and, by the instigation of the devil, created a great deal of disturbance in the world.

Florent.
Wigorn. ad
An. 1084.

To return to Lanfranc: there are several remarkable sentences of this archbishop, mentioned by Dacherius, some of which are directions for a monastic life, and the rest relate to the conduct of a Christian in common. I shall translate them as they stand:

"There are eight things, which, if carefully observed by the religious, they may justly have the commendation of

living up to the design of their institution. The first is : To keep constantly within their cloister, never to stir out without leave, nor then neither without a justifiable occasion. The second thing is : To live under silence, and never open their lips, unless some good may be done by it, and it would be a fault to say nothing. Thirdly, Not to have any property, nor to desire anything more than necessity requires. Fourthly, To submit to the orders of their superiors in everything, unless they should enjoin something repugnant to the will of God, for in such a case their commands are by no means to be satisfied ; for, as St. Gregory affirms, we must not do an ill thing upon the score of obedience, though sometimes we may omit doing a good one. Fifthly, The religious must never repine, nor speak ill of any person, though it appears they have been ill used ; to take this liberty is the way to run backward in virtue, and lose the reward of all the good they have done already. Sixthly, That, next to God Almighty, they are obliged to love each other, and cheerfully do all the good turns to their neighbours which they desire to receive from them. Seventhly, To perform the service and duty enjoined them by their house, to the utmost of their power ; and in doing this they ought to be serious and collected, and not suffer their minds to run out upon foreign unserviceable thoughts. The eighth direction, is to be clear and full in their confessions, which are to be made only to their prelates, or such as are authorised by them for that purpose."

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LIAM II.
K. of Eng.

264.

The rest of the archbishop's advice is not confined to the cloister, but relates to Christians in general :

" 'To seek the kingdom of God and his righteousness,' is to desire the happiness of the saints in heaven, and to be always upon the search for the most likely means to attain it.

" We ought to instruct the ignorant, without upbraiding them with their defects ; for it is not the custom to reproach blind people, but to take them by the hand and lead them. The harder we are pressed with ill thoughts, the more earnestly we ought to pray to be delivered from them. To make our religious service acceptable to God Almighty, we must take care to keep our practice consistent with our devotions.

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“When you sing a psalm, be sure to attend to the sense, and be more affected with the devotion of your mind, than with the music of your voice; for God is better pleased to see a man weep, than to hear him make an airy noise, though never so much in tune.

“Be careful to check the first impressions of evil; for if you suffer unwarrantable ideas to dwell upon your imagination they will conquer your virtue, and bring you to the extremities of practice.

“Be always upon your guard, and do not lose ground in the least instances; for though the matter of the fault may be small, the neglect is not so. When a man is idle, the devil is commonly busy with him: and to do nothing is the ready way to be pleased with doing amiss. All those things which caress the senses strongly, which awaken and refresh the passions, should be avoided. Leave off eating before your appetite dies, and drink on this side intemperance; by these restraints you will neither stick too fast in the present satisfactions of the palate, nor hanker after them when you are without them. Be not nice in your diet, nor eat so much for pleasure as for the support of your constitution. Satisfy your appetites as cheaply as you can, for it is more your business to lay nature asleep than to pamper her. We have no reason to question but that a person baptized will be a partaker of the body and blood of our Saviour, though he should happen to die before he receives the consecrated bread and wine¹.”

Dacherius
Spiceleg.
tom. 4. p.
227.

¹ The subtle and intricate question respecting the true nature of the eucharist, which had exercised several of the early fathers of the Church about this time, began to assume a more definite and vehement form of controversy. The most ancient theory we find on the subject (a theory very learnedly discussed in Delarue's edition of Origen) is this:—That the spirit of Christ being universal and omnipresent, animates not merely his human form, but such elemental forms as he may please to appoint as his sacramental emblems. According to this theory, therefore, the spirit of Christ inspiring and informing the bread and wine, these elements thus invested and interpenetrated by divinity become the body and blood of the Saviour, not in the human but the elemental sphere of being. In this sense they are really and absolutely his elemental body and blood, as he himself declares, and not merely dead and soulless symbols of his natural body and blood. They are really so in one sense, though they are symbolically so in another sense. This theory, however plainly men may attempt to define it in words, involves a divine mystery which man in his present condition will never fathom. But just because it is a mystery, transcendental and inexplicable, did the eager dialectics of the schoolmen investigate it with incredible ardour and perseverance. Its glory and its gloom equally excited their amazement and challenged their genius.

After the death of Lanfranc the see of Canterbury continued vacant three years, during which time the profits were returned into the exchequer. The king, it seems, at this time, was very much directed by one Ranulph, a clergyman. This man, though a Norman, but of moderate extraction, had a great share in the king's favour, and rose at last to the post of prime minister. Ordericus Vitalis gives him an ill character, charges him with ambition, prodigality, and ill-nature, that he was given to luxury and epicurism, and too much of a libertine in other respects. This man, having gained the king's ear by flattering his vices, misled him in the administration, and put him upon several arbitrary and oppressive expedients. It was at this minister's suggestion that the king surveyed all the land of England

WIL-
LIAM II.
K. of Eng.

*The see of
Canterbury
vacant for
three years.*

And imagining that they had discovered in the writings of Aristotle an universal solvent for the hardest metaphysical problems, the doctrine of the eucharist became their favourite subject of dispute. How well does this controversy illustrate the words of judge Blackstone when he says, "The science of that age, derived from Arabic translations of Aristotle, was mainly employed in elaborating casuistical subtleties with a skill the most amazingly artificial, but which serves no other purpose than to show the vast powers of the human intellect however vainly or preposterously employed." It is no wonder then, that a huge amount of polemical logic was expended on the eucharist. The dispute very early gave rise to three great parties of advocates, who still exist in activity and power. First came those who asserted that the spirit of Christ, by passing into the sacred elements, and being interfused with them as a soul is with its physical vehicles, changed the essence or internal substance of the elements, and their external substance likewise, though it remained the same to sensible observation; that opinion was expressed by the word transubstantiation. Secondly came the divines who stated that this interfusion and interpenetration of Christ's spirit in the sacramental elements, did not necessarily imply that either their internal or external substance was changed, but that they all co-existed in a holy combination. This theory was called consubstantiation. The third class stated that there was no real definite interfusion of the spirit of Christ at all in the eucharistic elements, but that they were merely symbols, having no divine virtue in themselves by such interfusion, but being efficacious merely as memorials exciting the devotion of the partaker. In this statement we know that we have somewhat anticipated certain terms which did not come into vogue till after ages. Still the nature of the dispute was the same in its several divisions. In looking back, the clear and thoughtful eye of the philosopher may be able to detect the secret processes by which the one grand and inclusive doctrine, which embraced those several distinctions and harmonized them all, became gradually subdivided, and how, by being subdivided, that which was true in the universal sense, became error in the partial. Such a man will, perhaps, agree with Coleridge, that by elevating the entire controversy to a prothetic sphere of investigation, the apparently conflicting arguments of these three classes may yet be reconciled. This will not, however, take place till they severally learn to acknowledge "that which was true in each," and confess that they might all have been right in some respects, and all have been wrong in others. Those who would examine the question farther may read Collier's tracts on the subject. The treatises of Cudworth and Patrick are likewise worthy of attention.

ANSELM,
Abp. Cant.

Orderic.
Vital. Ec-
cles. Hist.
l. 8. p. 678.

*The king's
seizing the
revenues of
vacant
bishopricks
unprece-
dented.*

Id. p. 679.

265.

Ibid.

over again; and where the number of acres exceeded the proportion of the former entry, he took the overplus to himself; and, which was a farther grievance, raised the tax upon the subject for the remainder.

It was likewise by this Ranulph's advice that the king seized the revenues of the Church upon the death of a bishop or abbot, allowing the dean and chapter, or convent, but a slender pension for maintenance. Thus covetousness, as the historian goes on, carried the king to invasion upon the Church; which sacrilegious custom continued, in some measure, to the reign of king Stephen, and proved the destruction of a great many souls. For the king, being desirous of furnishing the exchequer, delayed nominating a successor for the vacancies. And thus the diocese was deprived of a spiritual governor. Thus the canons were neglected, discipline grew languid, and the sheep, for want of a shepherd, became a prey to the wolves. Ordericus Vitalis goes on, and is very tragical upon this occasion, and laments the degeneracy of king William Rufus from the piety of his predecessors. Amongst other things he observes, that before the Norman Conquest, it was the custom in England, upon the death of an abbot, for the bishop of the diocese to make an inventory of the goods and chattels belonging to the monastery, and to sequester the profits for the use of the house till the election of a new abbot. Thus likewise the archbishop, when any of his suffragans died, took the revenue of the bishoprick into his hands, and, with the consent of the dean and prebendaries, disposed of it to pious and charitable uses.

This laudable custom was set aside by William Rufus in the beginning of his reign. Ordericus declaims with great vehemence against this practice. He is so frank as to say that there is no manner of defence for such seizures; that it is a contradiction to all the principles of equity and conscience, that those estates, which were given to God Almighty by the devotion and liberality of good princes, should revert into lay hands, and be squandered away upon luxury and riot. "But," says he, "let people be as avaricious and hardy as they please, sacrilege will be as certainly punished, as munificence to religion will be rewarded, in the other world: but the mischief is, people are strangely governed

by present interest, though they seem to believe they can neither be concealed from omniscience, nor escape the judgment to come." Thus far he.

WIL-
LIAM II.
K. of Eng.

In the year 1091, another schism broke out in the Church of Rome: two popes setting up against each other, and both of them abetted by a considerable party. Odo, bishop of Ostia, called Urban II., was one; and Guibert, archbishop of Ravenna, called Clement III., was the other. This controversy about elections to the papacy ran so high in England, that from the death of Gregory VII. the matter, as it were, hung in suspense, and no pope at all was owned at this time by the English Church, but Italy and France submitted to Urban II.

A. D. 1091.

No pope
owned in
England for
several
years.

About this time Remigius, bishop of Lincoln, departed this life. He was a Norman by birth, and a monk of Fescamp in that duchy. He was preferred by the Conqueror to the bishoprick of Dorchester, in Oxfordshire. This bishop, considering the largeness of his diocese, extending from the Thames to the Humber, was not pleased with the see's standing in the extremity of his jurisdiction; the smallness of the place was likewise another disagreeable circumstance: he therefore resolved to remove the see to Lincoln, which was then a large city; and to make this project the more commodious, he bought an estate in the eminence of the town near the castle, and built a noble cathedral there. Neither was he at all discouraged in his undertaking by the archbishop of York's setting up a claim to the county of Lincoln. This cathedral was regulated by the model of the church of Rouën. The bishop founded a chapter of eight-and-twenty prebendaries, and furnished them with a competent revenue. He designed a pompous consecration of his church, and made great preparations for that purpose; but died four days before the intended solemnity. Cambrensis gives him a great character for his humility, devotion, and charitable disposition, and that he was remarkably serviceable in assisting the indigent and orphans, and all those under any incapacity or distress.

Hoveden,
Annal. fol.
265.

Remigius
removes his
see from
Dorchester
to Lincoln,
and builds
that cathe-
dral.

A. D. 1092.

Hunting.
Histor. l. 7.
fol. 212, 213.

Cambrensis
de Vitis
Episc. Lin-
coln. Angl.
Sacr. pars
2. p. 413. et
deinc.

The next year Malcolm, king of Scotland, making an inroad upon the English borders, was intercepted and cut off, together with Edward, his eldest son. Thus Hunting-

A. D. 1093.

ANSELM,
Abp. Cant.

Hunting.
Histor. l. 7.
fol. 213.

Orderic.
Vital. Ec-
cles. Hist.
l. 8. p. 701.

Florent.
Wigorn. ad
An. 1093.

*Margaret,
queen of
Scotland, an
admirable
princess.*

Spotswood.
Hist. of Ch.
of Scotland,
p. 81.

266.

*Anselm
draws up a
form of
public
prayer.*

Eadmer,
Hist. Nov.
l. 1. p. 15.

ton represents the matter. But Ordericus Vitalis informs us, he was unexpectedly attacked by Robert Mowbray, earl of Northumberland, and surprised under the securities of a treaty. This accident was so sensible an affliction to his queen, Margaret, that she immediately fell into a distemper that proved mortal. Upon the hearing the ill news, she is said to have gone to church immediately, confessed her sins to the priest, and received unction, though we cannot call it extreme, because she was not at the point of death, as appears by the circumstances already related: however, she died in a few days after.

This lady was a princess of incomparable qualities, remarkably pious and charitable, and very active for the promoting religious and public interest. She built the church of Carlisle at her own expense, and was supposed to be principally instrumental in whatever the king her husband performed that way. She is said to have smoothed the ruggedness of this prince's temper, and disposed him to the offices of humanity and justice.

This year the king of England, happening to fall sick at Gloucester, began to be touched with remorse of conscience, and recollected the mismanagements of his reign. Amongst other oppressions, he was particularly afflicted for the injury he had done the Church and kingdom, in keeping the see of Canterbury and some others vacant. Some little time before, Anselm, abbot of Bec, in Normandy, had been sent for by Hugh, earl of Chester, who requested his assistance in his sickness. Soon after Anselm's coming hither, the bishops and other great men complained to the king of the vacancy of the see of Canterbury, and desired that public prayers might be made in all the churches of England, that God would inspire the king with sentiments of religion, and direct him in the recommendation of a proper person for that station: the king, though somewhat disgusted, consented to the motion. The bishops who were to take care of this matter consulted Anselm, and with great difficulty persuaded him to draw up a form of prayer for the occasion.

Soon after this, the king, as was observed, happened to fall sick; and Anselm, then living in the neighbourhood

of Gloucester, was immediately sent for to court, to prepare the king for the other world. When he came thither, he enquired how far they had proceeded with the king's conscience; and being asked, what was farther to be done? he told them, the king was to make a full confession of his faults, and to promise immediate reformation in case of recovery. The king, who was now thoroughly penetrated with the motives of religion, was willing to be governed by this advice, and desired the bishops to make this vow in his name at the holy altar; and that no opportunity of performance might be lost, there was a proclamation published, to release all those that were taken prisoners in the field, to discharge all debts owing to the crown, and to grant a general pardon. The king likewise promised to govern according to law, and to punish the instruments of injustice with exemplary severity.

WIL-
LIAM II.
K. of Eng.

Eadmer,
p. 16.

Anselm nominated to the see of Canterbury;

And being entreated to nominate to the see of Canterbury, he agreed to the request. As for the person, the court did not think fit to suggest any thing, or lead the king in his choice; but when he had pitched upon Anselm for the man, it appeared they were all extremely satisfied with the nomination. But as for Anselm, he was heartily uneasy at this promotion; and when he was hurried into the presence to receive investiture by the delivery of the pastoral staff, he made all the decent opposition imaginable, and told them the business was impracticable upon several accounts. Upon this, the bishops, taking him aside, began to expostulate with him upon his refusal; they told him, "That his modesty was no better than a plain desertion of his duty; that things were run almost into the last confusion: that all sorts of disorders were rampant in the Church, and Christianity almost exterminated by the license and tyranny of the administration. And, since the remedy of these evils was now in his power, the declining to make use of it was hardly reconcileable to conscience, or the character of an honest man; that the preferring his own ease and quiet to the public service of religion, was a very indefensible motive." To this Anselm replying, excused himself upon the score of his age, alleging, that he had not health and vigour enough for so weighty a charge; that his inclination

he declines the promotion,

but yields at last to the importunity of the court and bishops.

ANSELM, Abp. Cant. was perfectly for the cloister, and that he had always declined concerning himself in secular affairs; he desired, therefore, they would not endeavour to drag him out of his repose, and force him upon his aversion. And since they insisted the post was not so fatiguing as he pretended; that his part was only to give measures and direct, and that themselves would pursue his orders, and take off the trouble of the execution, to answer this, he told them they talked of things impossible, as the case stood: for, says he, "I am abbot of a monastery in a foreign dominion; I am bound to canonical obedience to the archbishop of that province; I owe allegiance to the prince of the country; and am likewise obliged to assist my convent to the best of my power. Things standing thus, I have not the liberty to quit the monastery without the monks' consent, nor to disengage from my prince without his permission, nor to run away from the jurisdiction of my spiritual father, the bishop, unless he is pleased to discharge me." They told him all these matters would be easily adjusted. But finding him persist in his refusal, they haled him to the king, who continued sick, and complained of his obstinacy. The king was extremely concerned, and spoke to him in a very pathetic manner, asked him, "Why he endeavoured to ruin him in the other world, which would follow infallibly, in case he died before the archbishoprick was filled; he therefore conjured him to accept it by the favour he had received from the Conqueror and his queen, and out of compassion to himself, who was now in danger of dying."

Eadmer,
p. 17.

The bishops, and those who were present, were very much moved with this passionate entreaty; and, finding Anselm inflexible, they grew angry, told him he disturbed the king with his obstinacy, and might probably send him into the other world; adding withal, that all the grievances of the Church and nation would be placed to his account, provided he refused to comply. And when they could not gain him with their arguments, they clapped the pastoral staff into his hand, in a manner by force, shouted for his election, carried him into the church, and sung *Te Deum* upon the occasion. But, notwithstanding all this solemnity, Anselm could not be prevailed on to acquiesce till the king had written to his

brother, the duke of Normandy, to the archbishop of Rouën, and to the monastery of Bec, and procured a discharge for Anselm from the obligations above mentioned.

WIL-
LIAM II.
K. of Eng.

And now the king, being recovered, revoked the orders passed in his sickness, and grew more arbitrary and oppressive than before; and being gently admonished by the bishop of Rochester, made a very profane answer, which I shall give the reader in Eadmer's words: "Scias, O episcopus, quod per sanctum vultum de Luca nunquam me Deus bonum habebit, pro malo quod mihi intulerit." 267.

A. D. 1093.

Anselm, before he accepted the archbishoprick, gained a promise from the king for the restitution of all the lands which were in the possession of that see in Lanfranc's time. And thus having seisin given him of the temporalities, he did homage to the king, and was consecrated with great solemnity, on the fifth of December, 1093. When Walcelin, bishop of Winchester, read the instrument of his election, Thomas, archbishop of York, excepted against the form, because the church of Canterbury was called *Totius Britanniae Metropolitana*; which clause, if admitted, he said, would strike the see of York out of her metropolitical jurisdiction: this was thought a reasonable allegation. Upon which the draught was altered, and *primate* put in instead of *metropolitan*.

About this time the king, intending to wrest the duchy of Normandy from his brother Robert, endeavoured to raise what money he could, but failed somewhat in the sum projected; upon this occasion Anselm made a present to the king of five hundred pounds. When the king heard of this sum, he was pleased at first; but afterwards, some courtiers, disaffected to the archbishop, representing the benevolence as too slender an acknowledgment, he refused to accept it. This temper of the court surprised Anselm, who thereupon went to the king, and addressed him in this manner: "Sir," says he, "I entreat your highness would please to receive the present I sent you; it will not be the last acknowledgment your archbishop will make you. And I humbly conceive it is both more serviceable, and more honourable, for your highness to receive a lesser sum from me with my consent, than to extort a greater by force and violence: for voluntary payments will be more frequent in their return.

ANSELM,
Abp. Cant.

If your highness allows me the freedom and privilege of my station, my person, and all that belongs to me, will be at your service; but if I am treated like a slave, I shall be obliged to stand off, and keep my fortune to myself." This declaration, it may be, was somewhat too frank and lively, especially since the king was disappointed in the thousand pounds he expected from the archbishop; he bid him, therefore, take his money, and be gone. The archbishop left the king under this disgust; and not being in any good condition to double the sum at that time, without racking his tenants, desisted after a second offer, and gave the money to the poor.

Eadmer,
p. 22.

*The arch-
bishop con-
sults Wul-
stan about
the right of
consecrat-
ing churches
in a foreign
diocese.*

About this time he prepared to consecrate a church in one of his manors, built by Lanfranc, his predecessor; this town, called Berga, lay within the diocese of London. The bishop of that see, therefore, sent down two prebendaries to claim the right of consecration. Upon this the archbishop consulted Wulstan of Worcester upon the point: this prelate was a person of great integrity, and best qualified to pronounce upon the controversy, as being the only English or Saxon bishop then living. Wulstan, in his answer, informed him, that though the case had never been tried, as far as he knew, because that privilege was not disputed with the archbishop, at least, not in his diocese: in which, when archbishop Stigand consecrated several churches upon the estates belonging to the see of Canterbury, he gave him no manner of disturbance; conceiving there was no more done than might be justified by his metropolitanical privilege.

Anselm being thus fortified with bishop Wulstan's opinion, and with the concurrence of a great many others, went on with the consecration, performed divine service, and executed other parts of his function, in all the towns belonging to his see, without moving for the consent of the diocesan.

The next year, the king being ready to embark for Normandy, the archbishop waited on him, and, suggesting the disorder of the times, desired he would give leave for the convening a national synod; that these ecclesiastical meetings having been intermitted for a great many years, dissolution of manners was become almost general, and particu-

larly that the sin of sodomy was grown intolerable. He moved likewise that the monasteries might be provided with abbots, the revenues spent upon the religious, and not applied to a secular and foreign use. The king replied, he would call a council when himself thought fit; that Anselm's predecessor durst not take those freedoms with the king his father. It seems the archbishop had told him, that though his highness was the patron and protector of the abbies, yet his prerogative did not reach so far as to make him the proprietor; that these estates were given to God Almighty, and therefore desired his highness would please not to make seizure of them.

WIL-
LIAM II.
K. of Eng.

*The king
disgusted
with the
archbishop's
remon-
strance.*

This discourse exasperated the king; and Anselm, perceiving it was to no effect to urge the point any farther, took his leave of the court. But afterwards reflecting that, unless the king's dissatisfaction was removed, the Church and kingdom would be disturbed; therefore, to put himself in a condition to act with advantage in his station, he applied to the bishops to entreat the king to receive him into favour; and, in case they were refused, he desired them to enquire into the reason of his displeasure, that if he had

*Anselm en-
deavours for
the king's
favour, and
applies to
the bishops
for their me-
diation.*

268.

offended he was ready to submit and make satisfaction. When the king heard this, he replied, he had nothing to charge the archbishop with; but, for all that, he should not be reconciled to him. The bishops, returning to Anselm with this answer, told him, that if he designed to have the king friends with him, he must part with five hundred pounds at present, and promise the king as much more as soon as it could be raised; and that there was no other way of doing his business. To this Anselm replied, That this method might prove very unfortunate; that the king might probably be angry again ere long, upon the same prospect; that the tenants of the archbishoprick had been miserably harassed since the death of his predecessor, that to take any more from them would be their utter undoing. "Besides," says he, "God forbid that I should do anything to make the world believe my sovereign's favour is mercenary. I owe the king allegiance, and ought to be tender of his honour; how then can I be true to these engagements if I go about to bring an ill report upon his justice, and offer to buy his friendship with a little money, like a horse in a fair? At

Eadmer,
Hist. Nov.
p. 24.

ANSELM,
Abp. Cant.

Eadmer,
ibid.

*The king
displeased
at Anselm's
owning the
pope without
leave from
him.*

A. D. 1094.

*A council at
Rocking-
ham to put
an end to
this differ-
ence.*

this rate, royal favour would be valued no higher than the proportion of the sum. But far be it from me to undervalue a thing of that dignity, and to put so paltry a consideration in balance against it. Your way, therefore, will be, to persuade the king not to set a price upon his reconciliation, but to receive me upon frank and honourable terms, and treat me as his spiritual father; and, for my part, I am ready to pay him the duty of a subject. But as for the money, since he was pleased to refuse it, I have given the greatest part of it to the poor, and have now nothing to offer of that kind." This being reported to the king, he appeared very angry, and declared he would never look upon him as his ghostly father; that he hated his prayers and benedictions, and therefore he might go whither he pleased. "Upon this," says Eadmer, who was one of Anselm's retinue, "we withdrew from court." As for the king, he sailed into Normandy, with a vast deal of treasure on board, which was all spent to no purpose; for his brother Robert made so vigorous a defence, that he was forced to drop the enterprise and re-embark.

Upon his return Anselm waited on him, and humbly begged he might have the liberty of going to Rome, to receive his pall from pope Urban II. The king was disgusted at the mention of Urban, told him, he did not own that bishop for pope; and that it was neither his father's custom, nor his own, to suffer his subjects to declare any person pope without his leave and approbation, and that if anybody presumed to invade this branch of his prerogative, he should look upon it as an attempt against his crown. This misunderstanding between the king and the archbishop occasioned a great debate; and Anselm desired the question might be laid before the bishops and great men of the kingdom, whether his allegiance to the king and his engagements to the pope were reconcilable; if not, he was resolved rather to quit the kingdom than renounce the pope. To put an end to this controversy there was a council or convention held at Rockingham castle. Here Anselm, opening his cause, told them with what reluctance he accepted the archbishoprick; that he was over-borne into that station by their importunity; that he made an express reserve of his obedience to pope Urban; that he was now

brought under great difficulties; that he desired their advice to find out a method to disentangle him; that he might neither omit any part of his allegiance, nor fail in his due regards to the holy see. WIL-
LIAM II.
K. of Eng.

The bishops told him they could give him no advice, unless to resign himself wholly to the king's pleasure, and not to insist on any reservations upon the score of spiritual authority. That there was a general complaint against him for intrenching upon the king's prerogative; that it was prudential for him to drop his respects to Urban, that bishop (for they would not call him pope) being in no condition to do him either good or harm; that his fate and fortune depended on the king; that it was therefore his interest to submit without reserve, and be entirely governed by the orders and direction of the court.

To this Anselm returned, that the compass of his allegiance was not so comprehensive as they suggested; that he engaged to be no farther the king's subject than the laws of Christianity would give him leave; that as he was willing "to render to Cæsar the things that were Cæsar's," so he must likewise take in the other part of the precept, and "give unto God that which was God's." Upon this, William, bishop of Durham, a court prelate who had inflamed the difference, and who managed the argument for the king, insisted, that the nomination of the pope to the subject was the principal jewel in the crown; and that by this privilege the kings of England were distinguished from the rest of the princes of Christendom. Which, by the way, is a plain concession, that other princes did not pretend to a right of determining about the elections at Rome, and giving their subjects what pope they pleased. But to return to the bishop of Durham, who told Anselm, that by denying the king this privilege he broke his faith, cancelled his allegiance, and brought great disturbance upon the kingdom. Eadmer,
p. 28, 29.

This Anselm looked upon as no answer; however, the majority of the bishops being either gained or overawed by the court, threw up their canonical obedience, and renounced Anselm for their archbishop. The king would have had them have gone farther, brought him to his trial, and deposed him in the council. But this they told him they could not do, because he was their primate. When Anselm heard his 269.
*The bishops
desert An-
selm, and
renounce
their canon-
ical obedi-
ence.*

ANSELM, suffragans had disclaimed him in this manner, he complained of the hardship, and demanded the regard of a metropolitan.

Abp. Cant.

By this usage he found himself embarrassed in his station, and disappointed in the temper of the English. The difficulties of going through made him somewhat uneasy: as appears by his letter to the Irish bishops. In this letter he complains that he was deserted, where he had reason to expect assistance. That those who put themselves under his jurisdiction had renounced him; and that he had in a great measure lost the good opinion of his friends.

He therefore desires the Irish bishops would put up their prayers in his behalf; "that God would inspire him with fortitude and resolution, to preserve the government of the Church, and appear boldly against disorder and licentiousness." And, in the close of the letter, "If there should happen," says he, "any difficulty in your country about the consecration of bishops, or any other matter relating to ecclesiastical discipline, I desire you would inform me of the case, and take the assistance of the best advice I can give you."

Dacher.
Spiceleg.
tom. 9. p.
123.

*The tempo-
ral nobility
refuse to
disclaim
him.*

Eadmer,
p. 30.

Eadmer,
p. 28.

The king, having brought over most of the bishops, applied to the temporal nobility, and bid them disclaim the archbishop, and follow the prelates' precedent. To this they answered, that since Anselm was their archbishop, and had a right to superintend the affairs of religion by virtue of his station, it was not in their power to disengage themselves from his authority, especially since there was no crime or misdemeanour proved against him. This generous declaration of the barons made the bishop's compliance look more uncreditable. The king, to sound the prelates to the bottom, put the question to them, whether they renounced all obedience to Anselm, without any limitation, or whether they renounced him only so far as he pretended to act by the pope's authority. The test being put with this distinction, the bishops were divided in their answer, and some of them could be brought no farther than to desert him in his engagements with the pope. This the king looked upon but as half compliance, and was by no means satisfied with it: for, as Eadmer reports, he did not think himself a complete monarch unless he melted the mitre into the crown,

and grasped the possession of all jurisdiction, both spiritual and temporal.

WIL-
LIAM II.
K. of Eng.

That which embarrassed the court in this affair was the great privilege of Anselm's character ; for, according to the principles of that age, the archbishop of Canterbury could be tried by nobody but the pope or his delegation. This put the king to a stand, and prevented the prosecution of his disgust. Idem, p. 29.

However, Anselm perceived his stay in the kingdom might give him farther disquiet, and therefore desired a passport to go beyond sea, till it pleased God to put an end to the present disturbance. The king was somewhat shocked at this motion ; for though he was willing to be rid of the archbishop, yet he would have had him first thrown out of his see, and not have embarked with the advantage of his character. But finding his deprivation impracticable, he consulted the temporal lords : for, as for the bishops, he thought they had suggested too rugged expedients, and given him wrong measures. The barons advised the king to stop Anselm, and give him his final answer next morning ; at which time the temporal peers came to the archbishop, and, representing to him how desirous they were to remove the misunderstanding between the king and himself, proposed a sort of truce from March to Whitsuntide ; during which interval the difference was to sleep, and nothing done which might be prejudicial to the pretensions of either party. *The contro-
versy sus-
pended for
some time.* Anselm agreed to this motion, only with a salvo for all due regards and submission to pope Urban II. The king allowed the proposal, notwithstanding the limitation interposed ; and so all things were to rest till the time above mentioned. And thus Anselm, who had great hopes of getting quit of his archbishoprick, and retiring from the world, was disappointed.

Things having thus far the face of an accommodation, Anselm had leave to return to Canterbury, but found little comfort in the new expedient ; for long before the truce, if we may call it so, expired, the king broke through the agreement, banished several clerks who were Anselm's favourites, had the groom of his chamber seized in the archbishop's palace, and fined and harassed his tenants in a very severe manner. In short, those that held any estate

ANSELM, of Anselm, or had any dependence upon his see, were so
 {**Abp. Cant.**} ruggedly used by the court, that they cried out that a vacancy
 was more tolerable than such an unfortunate prelate.

270.

A. D. 1095.
*The pope's
 nuncio
 comes pri-
 vately with
 a pall into
 England.*

Eadmer,
 Hist. Nov.
 l. 2. p. 82.

Ibid.

During the time while things were to rest in their former condition, Walter, bishop of Alba, was sent by Urban into England, being attended by two clergymen that officiated in the king's chapel. These clergymen, when the king perceived Anselm would not comply, were dispatched privately to Rome to enquire into the late election, and examine which of the two pretenders, Guibert or Urban, were canonically chosen, for till that time the English were unacquainted how matters stood. These agents, after they found the right lay in Urban, applied to him, according to their instructions, and, by large promises of acknowledgment, endeavoured to persuade the pope to send the king the archbishop of Canterbury's pall, taking no notice who was to be the person. This was the king's point, who thought his getting the pall into his possession would make him master of the business; and that, when Anselm was thrown out of his see and banished, he might easily make another archbishop, and give the pall to whom he pleased.

The pope complied so far as to send the bishop of Alba to the king with the pall, but with secret orders concerning the disposal. This prelate, who was to be very private in the affair, passed incognito through Canterbury, and, avoiding Anselm on purpose, held on his journey to court, not making the least mention of the pall, the king desiring the matter might be transacted without the least noise. The bishop, arriving at court some few days before Whitsuntide, discoursed very agreeably to the king, and, keeping himself somewhat upon the reserve, gave a general expectation of satisfaction. And to make the king believe the pope was in his interest, he dropped not the least sentence in favour of Anselm, offered nothing to take up the difference on foot, to remove the hardships from the archbishop and settle him in his station. The legate's silence upon this point was very surprising to many people, who conceived great hopes of justice and accommodation from him. Being thus disappointed, they took the liberty to expostulate and declare they were perfectly at a stand with these mysterious proceedings: "If money," say they, "has such an ascendant

at Rome, and is so great an overbalance to justice, the poor are in a lamentable condition, and those that have not a long purse to solicit with may even throw up a good cause!"

WIL-
LIAM II.
K. of Eng.

The king being pleased with the bishop of Alba's discourse, and concluding he had a full commission to come up to his purpose, in case he declared for his master, ordered Urban to be owned for pope in all his dominions; and after he had thus far gratified the see of Rome, he treated with the legate about the deprivation of Anselm, promising him a vast present, and an annual pension to the pope, provided they would assist him to accomplish this business. But when the legate told him the design was impracticable, the king was very much balked, probably thought himself overreached, and that he had gained no point by owning Urban for pope. However, it was now too late to go back, and therefore, to set the best countenance upon the matter, and preserve his honour from suffering, he resolved, since he could not have his revenge upon Anselm, to drop the dispute, and pretend himself reconciled.

*The king
owns Urban
for pope.*

Whitsuntide being now come, and the time of the truce, *Ibid. p. 83.* as Eadmer calls it, expired, Anselm was ordered from Mortlake to another manor of his see near Windsor, where the court was then kept; here most of the bishops made him a visit, to feel his pulse, and try if they could work him to a compliance. They were in some hopes the rugged usage he had met with might have tired him to a new resolution, and made him willing to purchase his peace of the king. But being interrogated upon this head, they found him inflexible; and being desired to give them his final answer, he told them once more, that he would never offer such an affront to his sovereign, as to make a bargain with him for his favour; but if the king was pleased to receive him without fining, he was ready to serve him as a subject; if not, he desired he might have the liberty to take his leave, and embark. The bishops, finding they could do nothing this way, endeavoured to work him upon another proposal: they told him, pope Urban, at the king's request, had lodged the pall in his highness's hands; that this distinction might now be procured at home, without the hazard and fatigue of a long voyage: it was therefore their

ANSELM,
Abp. Cant.

advice, that he should humbly offer the king as much money, by way of acknowledgment for the pall, as his journey to Rome would have cost him. But Anselm, though he expressed a great value for the pall, was resolved not to buy it of the court.

*And is re-
conciled to
the arch-
bishop.*

The king, finding Anselm immoveable, took the advice of his great men, and received him to favour upon his own terms, gave him leave to exert his character, and go on in his archiepiscopal functions. And thus the difference being reconciled, Anselm came to wait upon the king at Windsor, and was very graciously received by him. The pope's nuncio likewise, who was then present, endeavoured to cultivate the good understanding between them.

271.

But when the discourse about the pall came upon the board, some advised him to receive it from the king's hands; they told him, the paying this respect to the king would dispose him to forget what was past, and fasten him farther in his highness's good opinion. Anselm could not acquiesce in this motion, and replied, that the granting the pall was a peculiar branch of St. Peter's jurisdiction, and not within the prerogative royal. This refusal made a pause upon the debate; but at last they fixed upon an accommodation, and agreed that the bishop of Alba, who brought the pall, should carry it down to Canterbury, and lay it upon the altar of the cathedral; and from thence Anselm was to receive it, as if it had been put into his hands by St. Peter himself.

Things being thus adjusted, and the day prefixed, Anselm set forward for Canterbury, and was immediately followed by two bishops, Robert, of Hereford, and Osmund, of Salisbury, who, upon their asking his pardon for their renouncing him at Rockingham, were absolved by him in a little church upon the road. When he came to Canterbury, he received the pall with great solemnity in June following.

Eadmer. ib.

Soon after, Baldwin, his favourite monk, was recalled from banishment, and all former animosities at court seemed to be laid asleep.

*Bishop
Wulstan's
death.*

Angl. Sacr.
para. 2.
p. 267.

In the beginning of this year, the famous Wulstan, bishop of Worcester, departed this life, in the eighty-seventh year of his age. Several passages of this prelate's history being already mentioned, I shall only add, that Malmsbury, who wrote his life, reports several miracles wrought by him, both

living and dead. He likewise relates, that when he perceived the monks of his Church very melancholy for fear they should lose him, he desired them not to disturb themselves upon that thought; for that, after his death, he should be a much more powerful friend to the convent, and be more significantly present with them than ever.

WIL-
LIAM II.
K. of Eng.

Ibid. p. 268.

Robert, bishop of Hereford survived his friend Wulstan but a few months. This Robert, who was a Lorrainer by birth, had made a great proficiency in almost all parts of learning, such as philosophy, rhetorick, musick, mathematics, &c. The Conqueror had a great esteem for him, and preferred him to the see of Hereford. He was likewise a minister of justice at William Rufus's court. This prelate made an intimate acquaintance with bishop Wulstan, whom he admired for his extraordinary piety. He rebuilt the cathedral of Hereford upon the model of that of Aix la Chapelle. It is generally said by historians who lived about that time, that Wulstan appearing to him, advertised him of his death, of which warning he made a very pious and significant use, and died this year, in June.

Malmsb. de
Gest. Pon-
tif. l. 4. fol.
163.
Godwin in
Episc.
Hereford,
&c.

About this time, though Hoveden places it in the next year, the see of Dublin being vacant by the death of Donagh O Haingly, Samuel O Haingly his nephew, a Benedictine of St. Alban's, succeeded him. This Samuel being elected by the king Murierdach, by the clergy and burghers of Dublin, made a voyage to Canterbury, according to custom, for his consecration. Anselm gave him an honourable reception, discoursed with him upon the functions of his character, and after having received his profession of canonical obedience, consecrated him at Winchester the Easter following, four other bishops of the province assisting at the solemnity.

Bishop of
Dublin con-
secrated by
the arch-
bishop.

A.D. 1096.

Eadmer.
l. 11. p. 35.

This year Sampson, elected to the see of Worcester, and Gerhard, to that of Hereford, were both consecrated by the archbishop at Lambeth, which was then a manor belonging to the see of Rochester.

bid.

About this time pope Urban held a council at Clermont in France; and here, amongst other things, it was decreed, that no bishop, abbot, or clergyman, should receive any ecclesiastical dignity from any prince or layman whatsoever.

In this synod, Philip, king of France, was excommunicated

ANSELM, for marrying the countess of Anjou, when both the earl her husband and his own queen were living.

Abp. Cant.
Mat. Paris.
Histor. Major. p. 22.
Baron. Annal. tom. 11.
ad An. 1095.
The pope's speech in the council of Clermont, to encourage the Holy War.

At the close of the council, the pope made an harangue, to excite the audience, and particularly the princes and laity of quality, to undertake an expedition against the Saracens. This speech, giving great encouragement, if not a beginning to the holy war, it may not be improper to report some part of it.

The pope told them, "That after the fall of the angels, God distinguished the earth into three divisions, and planted it with our first parents: that by the propagation of human kind, the loss of the apostate spirits might be repaired; and a new class of creatures brought into being, who, after they had served their Maker in this world, might be removed into a higher station, and be made happy with him in the other. But, alas! mankind quickly degenerated, and, revolting from their duty, forfeited the privileges designed for them: which apostacy was so general, that there was scarcely so much as a good man to be met with. That the belief of the generality of mankind was as wretched as their practice, and either blasphemed Christianity, or adored nothing but wood and stone." From hence he proceeds to give an account how the vast continents of Asia and Africk were over-run with pagans and infidels: that the Turks and Saracens had seized a good part of Europe: that Spain and the neighbouring islands had been in their possession about three hundred years: that they made incursions upon Dalmatia, carried their conquests as far as the Gulf of Venice, and expected to be masters of the rest of Christendom: and, which was still more to be lamented, "The sepulchre," says he, "of our Saviour was within their jurisdiction. They will not suffer our pilgrims to visit the Holy City without paying for it. The Holy City, I say, which, were we animated with any true principle of courage, would have none but Christians for its inhabitants. You, therefore, that are persons of distinction and command, prepare for the noble expedition against the enemies of our Saviour: extend the bounds of Christendom, and propagate the doctrine of your holy faith. And, as a mark of your belief and resolution, let the figure of the cross be wrought into your habit, and appear upon your shoulders. Let your arms,

which have been dishonourably employed upon each other, be turned against the common enemy of our religion. Have compassion upon the poor Christians that live in Jerusalem and the neighbouring country, and endeavour to retrieve them from tyranny and oppression. Do your utmost to shew your repentance for your own miscarriages; and make some satisfaction for the rapine and murder, for the libertinism and desolation of Christian countries, of which you have been too much guilty. Give a check to the insolence of the barbarians, whose business it is to extinguish the name of Christianity. As for us, we shall omit nothing on our part to promote so glorious an undertaking. And therefore, relying chiefly on the authority of almighty God, derived upon us through the hands of his holy apostles St. Peter and St. Paul; in reliance upon this authority, I say, by virtue of which the power of binding and loosing is delegated to us; all those who venture their lives and fortunes in this expedition (upon condition they confess their faults, and are heartily sorry for them), shall receive a plenary indulgence at present; and, which is more, they will have a comfortable expectation of immortal happiness at the resurrection of the just. Those, likewise, who, being hindered from going themselves, shall either send forces, or contribute towards the charge of the expedition, shall have a share in the same indulgence.

WIL-
LIAM II.
K. of Eng.

“Go on, therefore, in the name of God, you that are famous for military exploits: distinguish yourselves in your Saviour’s cause, and despise the hazard of the enterprise: for the sufferings of this present time are not worthy to be compared with the glory which shall be revealed in us. This is our advice and injunction, both to those that are here, and those that are absent, and let the next spring be the time to set forward. You cannot engage too soon, for God will go along with you: the seasons will smile upon the enterprise, and the year will furnish plenty for your forces. Those that fall in the field will go in triumph into heaven; and those that survive will have the honour of seeing our Saviour’s sepulchre. To conclude, happy are those that engage in this expedition, and have the privilege of viewing that holy country, in which God has condescended to converse with mankind: a place which was the

ANSELM, scene of all the wonders of his incarnation, and where he
Abp. Cant. was born, crucified, and raised from the dead for us."

Mat. Paris.
Hist. Major.
23.

After this speech, the pope commanded the prelates in the synod to press the expedition with all imaginable vigour at their return home.

The expedi-
tion against
the Saracens
undertaken.

This exhortation, together with some other concurrent motives, made a wonderful impression upon the princes and people of Christendom: the business was generally relished, a strong confederacy set on foot, and the *croisade* immediately undertaken. Some of the principal persons of the expedition, were Hugh, Philip the king of France's brother; Godfrey, duke of Lorraine; Robert, duke of Normandy; Raimond, count of Thoulouse; Robert, earl of Flanders; Stephen, earl of Chartres; Baldwin and Eustathius, brothers to duke Godfrey; Stephen, earl of Albemarle; Boamund, of Puglia, a Norman; Stephen, earl of Blois, &c. These, with several others not mentioned, were at the head of the expedition: and, at the opening of the campaign, set forward with a vast army against the infidels.

Peter the
Hermit
preaches up
the Holy
War.

That which started the first thought, and pushed the pope and princes upon the enterprise, seems to have been the zealous preaching of Peter the Hermit. This Peter, a Frenchman by birth, and a priest by profession, had lately come off a pilgrimage to the Holy Land. While he was at Jerusalem, he was extremely affected with the servitude and ill usage the Christians lay under; of which, beside his own observation, he had a full relation from the patriarch Simeon. Before his coming away he promised the patriarch to use his interest with the Western Christians, to engage for them. But that which determined Peter more strongly for the cause, was, as it is said, our Saviour's appearing to him in a dream, commanding him to go on, with a promise of success to the undertaking. Upon the encouragement of this vision, he immediately embarked, and landing at Bari in Italy, he went directly for Rome, where, waiting upon pope Urban, he delivered letters from the patriarch and other persons of note at Jerusalem; and, with great particularity and rhetorick, set forth the miseries the Christians of that country endured. Upon this the pope promised his assistance when opportunity should serve; and made his word good in the council of Clermont above mentioned.

Mat. Paris.
p. 24.

And thus having given an account of the rise of the holy war, in which several of our princes were engaged, I shall at present pursue it no farther: only it will not be improper to take notice, that to make the enterprise more successful, it was thought fit to pray for the protection of the blessed Virgin in a more particular manner. To this purpose, the council settled a new office in honour of our Lady. This service was first drawn up in the year 1056, by Peter Damiani, for the use of his monastery in Germany, and ordered to be joined to the canonical hours, and performed every day. This office the council of Clermont enjoined the clergy in general, that by such extraordinary application, the blessed Virgin might intercede the more effectually with our blessed Saviour to support the crusade in their dangerous undertaking against the infidels. The laity likewise, soon after, had a share in this liturgical address.

WIL-
LIAM II.
K. of Eng.
273.

Robert, duke of Normandy, to furnish his quota for the Palestine expedition, engaged his duchy of Normandy to his brother of England for three years, on consideration of a sum of money agreed between them. To provide this sum, which was raised partly by tax and partly by way of benevolence, the English were miserably impoverished. The king, who was eager for his brother's duchy, spared no place upon the occasion: the Church ornaments were sold, the altars plundered of the holy plate, and if there was any gold or silver about the Bible it was torn off. And here Anselm, to shew himself a good subject, supplied the king to the utmost of his power.

Baron. An-
nal. tom. 11.
ad Ann.
1056. et
1095.

About this time, William, bishop of Durham, departed this life. He was a person, as Eadmer and Malmsbury describe him, of more rhetorick than sincerity. He was very far in the favour of William Rufus at his coming to the crown; but this advantage at court could not keep him firm to his prince, for, without any manner of disobligation on the king's side, he deserted to Odo, bishop of Baieux, and his party. And when that interest sunk, he was banished for his misbehaviour. But the king, after two years, passed over the matter, and gave him leave to return. And now, being seated in his former post at Durham, he endeavoured to retrieve himself at court. To this purpose, he was perfectly obsequious to the king's pleasure, tacked with his

Eadmer.
Hist. No
p. 35.

*The death
of William,
bishop of
Durham.
His charac-
ter.*

ANSELM,
Abp. Cant.

humour to every point, and went into all his measures, of what kind soever. This compliance, notwithstanding, did not prevent his falling at last under the king's displeasure. And when he was obliged to appear in person at court, and answer a charge drawn up against him, he sent word he was sick; upon which the king swore, in his usual oath, he did but counterfeit. However, the bishop's sickness was in earnest, and carried him off in a few days after. This bishop procured a license from pope Gregory VII. to remove the monks of Yarrow to Durham; and, to make way for them, dislodged the secular clergy, and provided them with benefices elsewhere. He settled several manors of his own purchasing upon the monks, and procured a charter of the Conqueror to confirm the endowment.

Malmsb. de
Gest. Pon-
tif. l. 3. fol.
158.
Godwin in
Episc. Du-
nelmena.
*Waterford
erected into
a bishoprick.*

This year, Murchertach, king of Ireland, Donagh, bishop of Dublin, with the rest of the prelates, temporal nobility, clergy, and commonalty of that island, wrote to Anselm to acquaint him that Waterford, being a very populous city, had suffered for want of a bishop: they request him therefore to do his part towards the removing this inconvenience. To this purpose they desire him to consecrate one Malchus, a priest, whom they had pitched upon for that station. This Malchus they commend from all the topicks of the character designed for him; for his orthodoxy, for his learning, for his extraction, and for all the qualifications of a spiritual governor. This letter is subscribed by the king, by duke Dermeth, his brother, by Donagh, bishop of Dublin, by the bishops of Meath, Leinster, &c.

Anselm, after he had examined the person recommended, and found him qualified for his function, took the customary profession of canonical obedience from him, and then consecrated him at Canterbury, with the assistance of two of his suffragans.

Eadmer.
Hist. Nov.
l. 2. p. 36.

The king, having taken possession of Normandy, and settled that duchy to his satisfaction, returned into England; and soon after, marching his forces into Wales, brought that country to submission. And now, there being nothing of war or civil disturbance, it was generally hoped the king would have been contented that Anselm should exercise his spiritual jurisdiction without impediment, and proceed to a revival of discipline and a reformation of

*A new
breach be-
tween the
king and
Anselm.*

manners; for the archbishop, having formerly desired the king that a synod might be called, and the Church put under a due regulation, his answer was, that he could not think of such an expedient till his affairs were less embarrassed. And since the opportunity seemed to promise fair, Anselm designed to lay hold of it, but was discouraged in his application; for now he found himself under the king's displeasure, who sent him word, he was by no means satisfied with the quota the archbishop furnished for the Welsh expedition, that he failed in his proportion, and that his men were neither well accoutred nor fit for service; that he designed to have him tried at his court for this misdemeanour, and ordered him to be ready to make his appearance at the first summons. By this Anselm perceived the king had a mind to fall out with him; that it was to no effect to venture himself upon his trial, being fully persuaded the regards of justice would be set aside, either by fear or interest, and that the whole proceedings would be absolutely governed by the king's pleasure: though, by the way, Anselm seems to have misapprehended this point, for, being questioned only in a civil cause, and upon a branch of allegiance and duty owing to the crown, he ought to have appeared in the king's court, and trusted the event with Providence. And had the king pursued his resentment, and brought the archbishop to the test, it is possible he might have altered his mind upon recollection: at present, he thought silence the best expedient, and therefore returned no answer to the message. And now, finding his authority was too weak for the disorder of the times; that the religious were thrown out of their property; that the rule of their institution was not observed; that immorality and injustice gained ground, and things grew worse and worse continually; that it was impossible for him to provide an effectual remedy, since all this license was countenanced at court, and the prince was a party in the miscarriage; and since nothing could be done at home, the archbishop thought himself obliged in conscience to go in person to Rome, and consult the pope upon the affair.

WIL-
LIAM II.
K. of Eng.

274.

And being at court, according to custom, the Whitsuntide following, he sounded the king, in hopes to find him in a better disposition, but was disappointed upon the enquiry; and, which was still more discouraging, he perceived his

Eadmer.
p. 87.
Malmesbur.
de Gest.
Pontif. l. 1.
fol. 125.

ANSELM
Abp. Cant.

*Anselm re-
solves upon
a voyage to
Rome, but
could not
procure the
king's leave.
A. D. 1097.*

enemies in practice against him, that they designed to get him prosecuted and cast upon the articles above mentioned; that having him at this disadvantage, they would either disable him in his fortune, by a heavy fine, or else weaken his character and credit, by forcing him upon improper measures to procure his pardon. Anselm, therefore, to fence against this dilemma, spoke to some of the great men at court to entreat the king for leave to go to Rome, representing, withal, the necessity he was under to make this request. The king seemed surprised at the petition, and sent him a flat denial, adding withal, "that he did by no means understand the reason of such a voyage; that he could not think Anselm so far guilty of any crime as to stand in need of the pope's absolution. And as for the point of consultation, he had that good opinion of the archbishop's judgment, that he thought him every jot as well qualified to give the pope advice, as to receive any from him."

Anselm, receiving this denial, was resolved to repeat his request, hoping the king might comply at last. However, the king being solicited the third time, grew angry, and sent him word to desist from his importunity, and that he should be called to an account for the trouble he had given him already; and when Anselm answered, that he was ready, upon leave, to justify his request, the king replied, "he would allow none of his reasons, and that if he ventured upon the voyage he would seize his temporalities, and own him for archbishop no longer."

Anselm, despairing of the king's leave, sent for the bishops of Winchester, Lincoln, Salisbury, and Bath, who were then at court, and told them, "that it belonged more particularly to their office to adhere to the interest of religion; if, therefore, they would stand by him upon this occasion, and be firm to the service of the Church, he would lay his design before them, and be governed by their advice." They desired a little time for deliberation; and after they had consulted among themselves, and understood the archbishop's mind more fully, they returned to him with the following answer:

Eadmer.
p. 89.

"My lord, we know you to be a very religious and holy man, and that your conversation is wholly in heaven; but as for ourselves, we must confess, our relations and secular in-

terest are a clog upon us, insomuch that we cannot rise up to these seraphic flights, nor trample upon the world with the noble contempt that you do. If you please to stoop to our infirmities, and content yourself with our methods and management, we will solicit your cause with the same heartiness we do our own, give you our best advice, and assist you to the utmost of our power. But if you are all spirituality, and have nothing but the Church in your prospect, all we can do is to retain our former regards for you, and that with a reserve of acting nothing which may intrench upon our allegiance to the king."

WIL-
LIAM II.
K. of Eng.

After this conference with the bishops the king sent another message, expostulating with him upon breach of duty; that his going to Rome without leave from his sovereign was contrary to the engagements of his homage, and that none of his nobility had that liberty without the royal permission. That to prevent the king's having any of this trouble for the future, he commanded him either to swear, that from henceforward he would never appeal to the pope upon any pretence whatever, or else immediately to depart the kingdom. Upon this Anselm went to court, and, according to his customary privilege, seating himself at the king's right hand, began to enter upon his justification. He confessed he had promised to observe the customs and usages of the realm, and to maintain the king's right and prerogative against all men living; but then it was done under the guard of a distinction, and with this limitation, so far as those usages, &c., were agreeable to justice and the laws of God: and when the king and his courtiers swore there was not the least mention of God or justice in the case, the archbishop replied, "That was exceeding strange! that such a clause was of absolute necessity; for God forbid that any Christian should engage to maintain any customs or prerogative that were plainly a contradiction to right and religion; that all engagements to allegiance stood upon a basis of conscience, and were to be construed with a salvo for our duty to God Almighty." And to apply this reasoning to the business in hand, he urged, he was now obliged in conscience to have recourse to the pope, the service of God and the Church requiring him at this time to consult the head of Christen-

ANSELM, dom. Neither did he conceive any person could hinder his voyage without incurring the Divine displeasure.

Abp. Cant.

This manner of justifying himself was called mere preaching, and nothing to the point in hand. In short, the king persisted in his denial of leave, and Anselm was resolved upon the voyage. At his parting from the court he told the king, he was now just ready to set forward; that if he could have gained his permission, he conceived, it might have been both more serviceable to his majesty and satisfactory to all good people. But, since the event proved otherwise, he must acquiesce in the misfortune, and should always have the same regard for the welfare of the king's soul. That now, not knowing when he should wait upon his highness again, he was ready to recommend him to God Almighty, and to dismiss him with the same solemnity of good wishes that were owing from a spiritual father to a son he had so great an affection for, and which the king of England ought to receive from the archbishop of Canterbury, "And therefore, unless your highness rejects it," says he, "I shall give you my blessing before I take leave." The king replying he did not refuse his blessing, the archbishop rose up, and making the sign of the cross over the king's head, who bowed to that ceremony, took his leave: the king and all the court admiring the spirit and unconcernedness of his behaviour.

The king receives the archbishop's blessing at parting.

Eadmer. p. 41.

The archbishop embarks for Rome.

While the archbishop was at Dover, in order to embark, his equipage was all searched by the king's order, but nothing being found upon him for which he could be called in question, he was suffered to go on board. After he had reached the continent and travelled as far as Lyons, he made a halt there, and wrote a letter to the pope, in which he complains, that the king had mightily oppressed the Church in England; that the canons were over-borne by new customs, and that he met with insuperable obstructions in the execution of his office; that the post he was in was forced upon him, perfectly against his inclination, and therefore desired he might be discharged, and retire. By the way, we are to observe, that when the king heard Anselm had crossed the Channel, he seized upon the archbishoprick, and made everything void which the archbishop had done.

Eadmer. p. 41. 44.

To return : one reason of Anselm's staying at Lyons was the danger of the roads from thence to Rome. The men of the highway thought the archbishop of Canterbury a great prize, and laid out for him accordingly; but besides this common danger, Guibert, archbishop of Ravenna, the antipope, had small parties upon the road to surprise those who came to visit pope Urban. However, Anselm and Eadmer got safe to Rome, and were honourably received by the pope.

WIL-
LIAM II.
K. of Eng.

Idem. p. 44.

From hence, after a short stay, the pope and Anselm retired into the country, near Capua, because of the unhealthiness of the town. And here Anselm wrote a book, in which he gives an account of the reason of our Saviour's incarnation.

The pope, upon Anselm's application, promised his assistance, and wrote to the king of England in a strain of authority, enjoining him to put Anselm in possession of all the profits and privileges of his see. Anselm likewise wrote into England upon the same subject.

Eadmer.
p. 45.

As for the king, he endeavoured to get Anselm discountenanced abroad, and wrote to Roger, duke of Puglia, and others, to that purpose. But the king, it seems, had not credit enough to gain his point, for Anselm was saluted with all imaginable respect wherever he came; and finding his preaching had a good effect upon the audience in Italy, he desired the pope once more he might have leave to resign the archbishoprick, believing he might be more serviceable to the world in a more private station. The pope would by no means consent, but charged him, upon his obedience, never to drop his title or quit his station; telling him, withal, that it was an argument of a nice and dispirited soldier, to be apprehensive of distant danger, and quit the field before the charge; and that it was not the part of a man of piety and courage to be frightened from his post purely by the dint of browbeating and menace, for that was all the harm which had hitherto been received. To this the archbishop replied, that, if he understood himself, he was not overset with the terror of the prospect, nor afraid of losing his life in the cause of God; "But," says he, "what is to be done in a country where justice is perfectly overruled and clapped under hatches, where my suffragans, instead of concurring,

Malmsb. de
Gest. Pon-
tif. l. 1. fol.
126.

*He is well
received by
foreign
princes and
prelates.*

ANSELM, appear against me, and desert to the court." Though, by the way, Osmund, bishop of Salisbury, and Robert, of Hereford, had asked his pardon at Canterbury for siding against him. The pope waived discoursing farther upon that argument, and told him he should want his assistance at the council of Bari. This synod was held to give check to the errors of the Greek Church about the procession of the Holy Ghost. When the council was opened, the pope entered upon the dispute, but seemed rather to perplex the cause than give satisfaction, being not able to disentangle himself from the objections of the Greeks. Being thus at a stand, he calls out aloud for Anselm, archbishop of Canterbury, and told him, that now the occasion required his learning and elocution to defend the Church against her adversaries, and that he thought God had brought him thither for that service. And then, turning to the fathers of the synod, he gave them an account of his quality, country, and merit. The debate was adjourned to the next day, though Anselm offered to engage without that preparation. The next morning, when the house was full, Anselm spoke to the point, went to the bottom, and disentangled the difficulties of the question, and managed the argument with so much learning, judgment, and penetration, that he silenced the Greeks, and gave general satisfaction to those of the Western Church. This argument was afterwards digested by him into a tract, and is extant among his other works.

Baronius's remark upon this discourse of Anselm's deserves to be remembered. He takes notice that the archbishop in his tract does not make use of the authorities either of the Greek or Latin fathers; not of the Latins, because the Greeks excepted against their testimony, as being friends and parties; and when the Greek fathers were cited against them, they used to object against the credit and authenticity of the copy. Anselm, therefore, trusting to the goodness of the cause, took none of these auxiliaries into the service, but applied himself wholly to the Holy Scriptures, and confuted the adversary from thence.

Baron. An-
nal. tom. 11.
ad An. 1097.

To return to the council: After the pope had pronounced an anathema against those that persisted in the

ANSELM, appear against me, and desert to the court." Though, by the way, Osmund, bishop of Salisbury, and Robert, of Hereford, had asked his pardon at Canterbury for siding against him. The pope waived discoursing farther upon that argument, and told him he should want his assistance at the council of Bari. This synod was held to give check to the errors of the Greek Church about the procession of the Holy Ghost. When the council was opened, the pope entered upon the dispute, but seemed rather to perplex the cause than give satisfaction, being not able to disentangle himself from the objections of the Greeks. Being thus at a stand, he calls out aloud for Anselm, archbishop of Canterbury, and told him, that now the occasion required his learning and elocution to defend the Church against her adversaries, and that he thought God had brought him thither for that service. And then, turning to the fathers of the synod, he gave them an account of his quality, country, and merit. The debate was adjourned to the next day, though Anselm offered to engage without that preparation. The next morning, when the house was full, Anselm spoke to the point, went to the bottom, and disentangled the difficulties of the question, and managed the argument with so much learning, judgment, and penetration, that he silenced the Greeks, and gave general satisfaction to those of the Western Church. This argument was afterwards digested by him into a tract, and is extant among his other works.

Abp. Cant.
Malmshur.
fol. 126.
276.

Ibid. fol.
127.

He assists
at the coun-
cil of Bari,
and confutes
the prelates
of the Greek
Church.
A. D. 1098.

Greek heterodoxy, the proceedings of the king of England
 ell under debate: and here his outrages to religion, and
 his incorrigibleness, after frequent admonition, were so
 strongly represented, that the pope, at the instance of the
 council, was just going to pronounce him excommunicated.
 Here Anselm, immediately falling at the pope's feet, en-
 treated him to stop the censure; and his holiness, though
 with some difficulty, was prevailed on by him. And now
 the council, who admired Anselm before for his parts and
 learning, were farther charmed with him for his Christianity
 and good nature; to see him return good for evil in so re-
 markable an instance, and interpose for the king, who had
 used him so very roughly.

WIL-
 LIAM II.
 K. of Eng.

*He prevents
 the king's
 being ex-
 communi-
 cated.*

This year the Cistercian order was founded. It pretends to refine upon the rule, or at least upon the practice of the Benedictines. Robert, abbot of Molesm, in the diocese of Langres, began the institution, though the first lines of this scheme were struck out by one Harding, or Stephen, an English monk of Sherburn. This Stephen quitted his monastery of Sherburn, and travelled into France, and from thence to Rome, where, after he had studied for some time, he began to relish the monastick way of living better than formerly. Upon this change of inclination he goes to the abbey of Molesm, and enters himself a monk there. And being pressed to some duties which he thought foreign to St. Bennet's rule, he desired to be satisfied. This occasioned a dispute in the convent, where Harding persuaded the abbot and part of the brothers to discharge themselves from all superfluous observances, and be governed only by the substance and fundamentals of the rule. However, the bulk of the convent could not be gained to any reformation. Robert, therefore, with eighteen of his monks, of which Harding was one, retired into a desert, in the diocese of Chalons, called Cistellæ, or Cistercium, where, by the assistance of Otho I., duke of Burgundy, and Walter, bishop of Chalons, he built the first abbey of this distinction; Hugo, bishop of Lyons, pope Urban's legate, approving the institution, Robert received his pastoral staff from the bishop of Chalons. But being ordered by the pope to return to Molesm the next year, one Albericus, a monk of character, was made abbot in his place. Stephen Harding succeeded him

ANSELM, Abp. Cant. in that post about ten years after, under whom this religious colony flourished and spread exceedingly. The famous St. Bernard and his companions were received into the society; upon this they made a great figure, and were raised to a very considerable interest in most parts of Europe. This order came over into England in the year 1128, and was first settled in the abbey of Waverley, in Surrey.

These Cistercian monks were tied to severe discipline, and thought themselves obliged to every circumstance of their rule. Their custom is to sleep in their clothes, and never return to their bed after matins. The abbot has no privilege of liberty above the convent, only he is not obliged to eat with the monks, his table being assigned for the entertainment of poor people and strangers; they are never allowed above two dishes, and none but those that are sick are indulged in a flesh diet. From the middle of September to Easter they never eat above once a day upon any holidays, excepting Sundays. They make use of the Ambrosian hymns and way of singing, and never stir out of the cloister, unless to work in the fields.

Malmsb. de
Gest. Reg.
l. 4. fol. 71,
72.
Baron. An-
nal. tom. 11.
ad Ann.
1098.
Monast.
Anglic. vol.
1. p. 703.

After the synod of Bari was ended, the pope and Anselm returned to Rome, where they found an agent sent from the king of England to disprove Anselm's allegations, and answer his complaints against his highness. The English ambassador told the pope, that his master was surprised at his holiness's order for putting Anselm in possession of his archbishoprick, since he positively acquainted that prelate what he must expect in case he quitted the realm without leave. The pope asked the ambassador if he had anything farther in his instructions against Anselm? He answered, nothing: "Could you, then," says the pope, "think it worth your while to fatigue yourself with so long a voyage only to tell me that your primate was stript of all his fortune only for appealing to St. Peter's award? If therefore you have any regard for your master, return immediately, and tell him, that unless he will venture the highest censure of the Church, his method will be to restore Anselm forthwith to all his property and privilege." The ambassador, being shocked with this answer, told the pope he had something farther to communicate, and desired a private audience.

And to work his purpose the better, he began to try the interest of his purse; and thus by presents and promises he persuaded the pope to relax a little, and, whereas the king's time for performance was fixed at Easter, he got it prorogued to Michaelmas. This story is modestly told in a few words by Eadmer; but Malmsbury enlarges with more freedom upon the prevarication. He tells us, the pope was under some difficulty and irresolution about the matter; that his regard for Anselm kept him tight at first, and that for some time he hung in suspense between conscience and interest, but was at last overbalanced by the consideration of a good present. And here Malmsbury declaims with a great deal of honesty and satire against the prevalency of money. He is so frank as to say, it was a scandalous thing for a person of his station to prostitute his credit and conscience, and give up the point of justice for the sake of a little pelf. When Anselm perceived how matters went, he thought it was to no purpose to lose any more time upon a mercenary man, and that it was most advisable to return to Lyons. But the pope would by no means part with him, and, to sweeten him after his disappointment, he lodged him in a noble palace, and settled it on him for his lifetime. And here his holiness used to make him frequent visits, and converse with all the familiarity and friendship imaginable.

WIL-
LIAM II.
K. of Eng.

*The court of
Rome, bribed
by the Eng-
lish ambas-
sador, desert
Anselm.*

Eadmer.

p. 52.

Malmsb. de
Gest. Pon-
tif. l. 1. fol.
127.

This pope had summoned a council to sit at Rome about this time; when the synod met, Anselm had a very honourable seat assigned him and his successors: this being the first time of an archbishop of Canterbury's appearing at a Roman synod. When the canons were agreed on, and drawn up, the pope ordered Reingerius, the bishop of Lueca, to publish them to the audience: this prelate, after he had gone a good way in his commission, seemed of a sudden to be somewhat disturbed, to forget his business, and run out upon a foreign subject. "What will become of us," says he, "we are loading our people with new precepts and articles of duty, but we do not relieve those that apply to us for protection; the whole world seems surprised at this conduct, and complains, because the head of Christendom does not sympathise more sensibly with the members!" Then he proceeds to express mention of Anselm's case, and

A. D. 1099

*He is pre-
sent at a sy-
nod at Rome.*

Corona.

Malmsb. ib.

Eadmer.

p. 52.

ANSELM, *Abp. Cant.* remonstrates against the delays which were thrown in against doing justice; here the pope interposed, and desired him to forbear, with a promise that matters should be rectified. Reingerius, being a man of zeal and fervour, replied, "It was fit it should be so, for God would not pass over the neglect;" and when he had said this, he returned to his charge, and went on with the publication of the canons.

This year, Osmund, bishop of Salisbury, departed this life. He was born in Normandy, and a gentleman by extraction. When the Conqueror made his expedition upon England, Osmund, who was then a military man, attended him. He was afterwards made earl of Dorset and privy-counsellor by that prince; and at last, upon the death of Herman, promoted to the see of Salisbury. He finished and consecrated the church begun by his predecessor, reformed the musick of the choir, and furnished the chapter with a considerable library. He was a person of unexceptionable behaviour, had nothing of ambition in his temper, and governed his diocese with great strictness and discipline. He wrote several books, particularly the life of St. Aldhem, first bishop of Sherburn, and compiled the service or "Ordinal secundum usum Sarum." He was buried in his cathedral of old Salisbury, canonized after his death, and the third of December appointed for his holy

Malmsb. de day.

Gest. Pontif. l. 2. fol. 142.

Godwin in Episc. Salisburyens.

The reason of his drawing up the office "secundum usum Sarum," was to bring the Church-service to an uniformity. For before this time, as Harpsfield observes, almost every diocese had a different liturgy. Osmund collected his matter out of the Holy Scriptures, and other valuable Church records, and digested it in so commodious a method, that it was generally approved, and made the standard of public devotion almost everywhere in England, Ireland, and Wales. But after his death, as this historian continues, there were several interpolations thrown in, which were not altogether defensible: the bishops, it seems, conniving at this alteration.

Harpsfield. Hist. Anglic. 11. Sec. cap. 19. p. 251.

Bishops and abbots for-

To proceed: In the synod above mentioned, all the laity that gave investitures for abbeys or cathedrals were excommunicated to receive investiture from any of the laity.

communicated ; and those which received investitures from lay hands, consecrated persons so invested, or came under the tenure of homage for any ecclesiastical promotion, were put under the same censure.

When the council broke up, Anselm returned immediately to Lyons, but did not think it safe to travel in the high road, because, it was said, Guibert, the antipope, had ordered a painter at Rome to take the archbishop's picture incognito, and by thus stealing his face they hoped to surprise him upon his journey.

Being now come to the conclusion of this century, it may not be improper to observe, with the learned Du Pin, that the disputes between the popes and emperors occasioned great disorders in the Church and empire of Germany. That during these commotions the popes made use of the juncture to seize the sovereignty of Rome, and make themselves independent of the emperors : that Gregory VII. was so particularly excessive in his pretensions, that he almost quite swallowed up the authority of the bishops. That the great number of the pope's legates dispatched almost into every quarter, and the power they assumed to themselves, maimed the jurisdiction of the ordinaries, and was very burthensome to the Churches whither they were sent. And now it was that the cardinals began to mount to an unusual pitch of grandeur, to overtop the bishops, to have the greatest share in the election of popes and in the management of Church affairs : and, to conclude, the court of Rome, under different claims and pretences, gained the cognizance and decision of almost all manner of ecclesiastical business.

When Anselm came back to Lyons, he was entertained by Hugo, the archbishop, with all the heartiness and regard imaginable; and here he stayed till he received the news of king William's and pope Urban's death, which happened not long after. The manner of the king's death was thus: as he was hunting in New-Forest, one Walter Tyrrel, a Norman, happening to let fly at a stag, lodged the arrow in the king's breast, who passed by unexpectedly in the interim; the king fell down upon his wound, and died without speaking a word. Hoveden reports, that this accident was generally interpreted as a judgment upon the Conqueror's

ANSELM, family ; for this New-Forest, in the reign of the Saxon **Abp. Cant.** kings, was thickly inhabited, a great many towns and churches standing within that precinct. But the Conqueror, either for the better convenience of landing or providing for his forces, dislodged the inhabitants, demolished the buildings, churches and all, and turned the place into a forest. This place, thus metamorphosed, proved very unfortunate to his posterity ; for, beside what happened to king William, Richard, his second brother, and Richard, his nephew, son to Robert, duke of Normandy, were both killed by mischance in the same forest.

Hoveden,
Annal. fol.
268.

Eadmer,
l. 8. p. 55.

His character.

When Anselm had news brought him to Lyons of the king's death, he was very sensibly afflicted at his making so sudden and unexpected an exit.

As to the qualities of this prince, Malmsbury describes him as a person of great spirit and magnanimity. That, at first, his temper lay concealed ; that he seemed to hang in even balance between good and bad, and nobody could conjecture which way the scale would turn. In the beginning of his reign, while archbishop Lanfranc was living, his conduct was unexceptionable, and gave strong expectations of an admirable reign. After the death of this prelate he struck out into inequalities, and floated between virtue and vice ; but, at last, his ill qualities increased and gained the ascendant. Everything that was commendable in him before, was now pushed to an excess. He was now more profuse than liberal ; his greatness degenerated into pride, and he might be said to be rather cruel than severe. In short, the impressions of conscience and humanity were worn out to that degree, that at last he seemed to have no regard either for God or man. His reign, as has been observed already, was very arbitrary and oppressive. Ralph, his chancellor, whom he afterwards promoted to the see of Durham, flattered his tyrannical temper, and executed his orders with all the diligence and rigour imaginable. The man could talk well, and was a great lawyer, but without a grain of honesty. He was so thoroughpaced a courtier, and sacrificed himself so entirely to the king's humour, that Rufus used to say, he was the only man that would run all lengths, venture all hazards, and not value what the world thought of him, provided he could please his master. This

Malmsb. de
Willielm.
Secund. l. 4.
fol. 69.

The dissolution of manners in his reign.

Ralph, being first minister, made wretched havock in the Church, seized the revenues upon a vacancy, and set the preferments to sale. Malmsbury complains, that most of the clergy turned lawyers and farmers in this reign. The historian goes on in his complaints upon the administration, tells us the greatest crimes might be bought off by making a friend at court, and that a thief might have his pardon at the gallows, provided he proposed anything to the advantage of the exchequer. As for the troops on foot, there was no discipline among them; they were left to the liberty of free quarter, and lived at discretion upon the country. Then as to the court, it was altogether libertine, and out of order. The men were effeminate to the last degree, both in habit and gesture, appeared as if they were willing to put a force upon nature, and renounce their sex; and, in short, nothing but luxury and license was then the fashion.

HENRY I.
K. of Eng.

Nullus clericus nisi causidicus: nullus Presbyter nisi firmarius.

Malmsb. ib.

Ibid.

279.

When king William heard of Urban's death, he seemed pleased with the news, but, enquiring of the disposition of pope Paschal, his successor, it was told him, he would be of Anselm's opinion in several things; upon which he replied, he might then live by himself "For," says he, "I will have nothing to do with him, but move with the same freedom as formerly:" for, as Eadmer observes, he thought the pope, without his permission, had no manner of jurisdiction in England.

Eadmer,
Hist. l. 2.
p. 54.

Some few days after the unfortunate death of this prince, his brother Henry was crowned at Westminster by Maurice, bishop of London. This king, on his coronation-day, restored the bishopricks of Canterbury, Winchester, and Salisbury, seized by his predecessor, the profits of the first being carried into the exchequer, upon the dispute between him and Anselm; and the other two, upon their respective vacancies. This new king suppressed all the arbitrary usages of the late reign, promised the subject the privilege of king Edward's laws, together with the amendments of his father, the Conqueror. This promise to the Church and state was fortified with the solemnity of an oath, drawn up in writing, sealed with the king's seal, and published through the kingdom.

King Henry's coronation.

His concessions to the Church and state.

Things having this comfortable prospect, Anselm was solicited to return to England. Being come as far as Clugni, he received fresh encouragement: for here an agent

Florent.
Wigorn ad
An. 1100.
Eadmer,
l. 3. p. 55.

ANSELM, of the king's met him with an invitation to his archbishop-
 Abp. Cant. rick. At his arrival in Kent, the country received him with
 See Re- extraordinary respect.
 cords, n. 14.

Some few days after, he went to court, and found the same welcome. The king excused himself for not staying for Anselm, and being crowned by another prelate: and thus far, matters went smoothly enough. But when Anselm was required to be reinvested by the king, and do the customary homage of his predecessors, he refused to comply, and made a report of the proceedings of the late synod at Rome; adding withal, "That if the king would please to receive the canons of that council, there would be a good understanding between him and his sovereign; but if the case happened otherwise, he did not believe his staying in England could turn to any account: for," says he, "if the king proceeds to give investitures to bishopricks or abbeys, I can neither communicate with him, nor any person thus preferred. In short, unless the king thinks fit to comply with the see of Rome, I cannot stay in this country. And therefore I desire he would please to acquaint me with his resolution."

*Anselm re-
 fuses to take
 investiture
 from the
 king.*

When the king heard this, he was very much shocked: he looked upon it as a great prejudice to the crown to lose the investiture and homage of the prelates. It is granted, the privilege of investitures had been part of the prerogative royal, as far as Edward the Confessor. Anselm's non-compliance, therefore, upon this head, was looked upon as no better than encroachment: however, the king, being not well settled in the throne, was unwilling to come to a rupture; for if Anselm had quitted the kingdom in disgust, and gone into the interest of Robert, duke of Normandy, it was feared he might have been in a condition to have set the crown upon his head.

August,
 A. D. 1100.

*The matter
 respited till
 the Easter
 following.*

To gain time, therefore, and that the matter might be the more amicably debated, the controversy was to rest till Easter following. And, in the meantime, both parties were to send their agents to Rome, to try if they could persuade the pope to dispense with the decrees of the late synod, with respect to investitures; and, in the interim, the affairs of the Church in England were to continue in the same condition as formerly; only Anselm was to be restored

to the profits and jurisdiction of his see. The archbishop HENRY I.
K. of Eng. had no opinion of the significance of this proposal: however, to prevent misinterpretation, and that he might give the king no just ground to suspect him in a foreign interest, he agreed to the motion, and so all things were quiet for the present.

Some few days after, Maud, daughter of Malcolm Canmor King Henry
marries the
princess
Maud. by Margaret, Edgar Athelin's sister, was married to king Henry. Anselm was blamed by some people for being concerned in this solemnity: but that this censure was nothing but calumny appears plainly from Eadmer, who was thoroughly acquainted with the proceedings, and an eyewitness of the whole matter. The case stood thus: this young princess Maud was generally supposed to be a nun, because she had been educated in a religious house, and taken the veil upon her. This character made people censure the king's courting her. Maud applies to Anselm upon this occasion, and desires his advice. The archbishop objected the common report to her, and declared, that no motive whatsoever should prevail with him to disengage her from her vow to God Almighty. The princess denies there was any such engagement, and if he refused to believe her, offers to prove it in a full synod. It is true, she did not deny but that she had formerly worn a veil; that when she The case of
those who
retired to
nunneries to
secure their
virtue, de-
termined. was a girl, and under the discipline of her aunt Christina, that lady abbess had put a piece of black cloth upon her head to prevent her being outraged by the Normans: that she was forced to wear this habit against her inclination, and threw it off when she was out of her aunt's sight; and that when her father happened to see her veiled, he broke out into a passion, and tore it in pieces, protesting that he designed her for marriage, and not for a nunnery. Having thus related the matter of fact to the archbishop, she desired him to consider it, and referred herself to his disposal.

280.

Anselm thought the case too weighty to rest upon his single judgment, and therefore summons a synod to examine the point. This synod meeting at Lambeth, there were several unexceptionable witnesses produced to prove the truth of the princess's allegations, and particularly the two archdeacons of Canterbury and Salisbury, who had been

ANSELM,
Abp. Cant.

sent to the nunnery of Wilton, where Maud was educated, to enquire into the matter : these archdeacons, I say, made their report, that they had thoroughly examined the nuns of the house, and that they had all declared, that what the young princess had told the archbishop was exactly true. The archbishop therefore conjures the synod to consider the case with all imaginable care ; and that no regards, but those of truth and conscience might have any influence upon them : that the question might be so unexceptionably determined, that the precedent might give no occasion to mislead posterity ; and that both religion and private liberty might have their right. When the archbishop had given this direction, he withdrew ; and, being afterwards brought in, at the request of the house, they made their report of their resolution ; and told him, that, upon a full enquiry, they were ready to make good that the princess Maud was under no necessity of being a nun, but that she might fairly dispose of her person as she thought fit. That though this point might easily be proved from the topicks of reason and equity, yet they should rather insist upon the authority of his predecessor, Lanfranc, who was of the same opinion in a parallel case.

When William, Duke of Normandy, first made himself master of this country, a great many of his soldiers thought their conquest gave them a right to everything ; that they might do what they pleased with those that were too weak for them ; and that not only the estates, but the wives and daughters of the English were part of their property : by this principle they practised as far as they could reach. Several women, therefore, to prevent ill usage, retired to nunneries, and took the veil upon them. Now after the heat of the war was over, the troops put under discipline, and things began to be settled, the question was put to Lanfranc, whether he thought those women who had fled for sanctuary to the nunneries, and taken the veil for their security, were obliged to continue in the monasteries, or not ? To determine this point, that archbishop called a national council, in which it was decreed, that those women, who had made use of the expedient above mentioned to preserve their honour, ought to be valued for making so virtuous a provision, and not forced to be nuns against their will.

Vid. Spelm.
Concil. vol.
2. p. 7.

Having thus reported the precedent under Lanfranc, the synod told Anselm, that many of themselves were present at this determination; that it was approved by men of character and distinction in the Church, and therefore they desired to be governed by it in the present affair; in defence of which they argued *a fortiori*, and affirmed, that the princess Maud's allegations were better supported than the instance under Lanfranc; because the veil was perfectly forced upon her, which cannot be so fully alleged in the other case.

HENRY I.
K. of Eng.

When Anselm heard these reasons, he was satisfied with the judgment of the synod, and so the matter was concluded.

And now, all difficulties being removed, the princess Maud was married to the king. And, to prevent calumny and misreport, when the wedding was solemnized, and a great appearance of the nobility and people were crowding about the church, Anselm, seating himself higher than the rest, gave the company an account of what was lately decreed in the synod, and asked them, if they had anything to object against it? To which they unanimously shouted, that the matter was rightly settled. Thus far Eadmer, who, as I observed, was an eye-witness of what passed.

From hence it appears how much Matthew Paris, who wrote in the reign of Henry III. was mistaken in this relation. This historian reports, that queen Maud married against her will: that she declared herself a nun; that she was perfectly over-ruled and tired out by her friends and relations; that she was prevailed on by the suggestion of politic considerations, by the prospect of uniting the Norman and English royal families, and that this match was the only expedient to make the latter acquiesce, and settle the government. And that, after all, her conscience was still unsatisfied; that she engaged with great reluctance, and threw out a barbarous wish against her issue, in case she had any. Thus far he: but, as this circumstance of her making an ill wish, is by no means suitable to the character of that admirable princess, so neither has the pretence of her being a nun any truth in it.

Eadmer,
Hist. Nov.
l. 3. p. 56,
57, 58.

Matthew
Paris mis-
taken.

Matt. Paris,
Hist. Major.
p. 58.

This year, Guido, archbishop of Vienne, came into England, with a commission from the pope, to be legate in the whole island. This was looked upon as an authority *primæ*

A. D. 1100.

ANSELM, *impressionis*, and everybody was much shocked at it. It being a thing never heard of, as Eadmer speaks, that any person should represent the pope in England, excepting the archbishop of Canterbury. For this reason, Guido's character was universally disowned; neither was he allowed to exercise it in any one instance.

281.
The arch-
bishop of
Vienne's le-
gatine
character
disowned by
the English
Church.

Eadmer,
l. 3. p. 58.

Thus, we see, the English Church stood upon their ancient right, and would not submit to every imposition of the court of Rome. They did not offer to disprove Guido's commission, nor question the truth of his credentials, but refused him upon the score of an unprecedented authority.

This passage in Eadmer must not be understood so strictly, as if the pope had never sent a foreign legate hither before; for Alexander II. sent Hermenfrid, bishop of Sitten, and two others, with a legatine commission, in the reigns of Edward the Confessor and William the Conqueror; but then, when this was done, Stigand, archbishop of Canterbury, lay under the censure of suspension at the court of Rome. As for Hubert, who was afterwards dispatched from the pope to the Conqueror, his instructions were limited to court business, which makes him no more than a nuncio.

But as for Eadmer's instance, Alford is very much hampered with it: he grants the matter of fact, owns Guido's legatine commission, but is at a loss to account for the reason of his being refused. To clear this point, and maintain the modern notion of the pope's supremacy, he is forced to have recourse to precarious suppositions. He fancies the English Church disclaimed his legatine character, because his powers were not penned with a *non obstante* to the privileges of the see of Canterbury. But all this is mere conjecture; for neither Eadmer, Malmsbury, Florence of Worcester, &c., take any notice of this pretence. And to come to a more modern authority, Baronius does not so much as mention Guido's coming into England; neither does Alford himself cite any historian to make good his assertion.

Alford An-
nal. vol. 4.
p. 179.

The controversy between the king and Anselm being reported by Guido, at his return into France, Ivo, bishop of Chartres, a prelate of great reputation, wrote to king Henry to persuade him to drop the contest. The letter runs thus:—

Henrico Excellenti Anglorum Regi, &c.

“ Since Providence has been pleased to seat you on your father’s throne, we cease not to put up our prayers to God Almighty, to bless your highness with your father’s virtues and nobleness of temper; that your highness may not fall short of the intrinsic greatness and good conduct of your ancestors. And since affairs can never go well without a good correspondence between the crown and mitre, we entreat your highness that you would give free passage to the word of God in your dominions; always remembering, that the kingdom of this world ought to act in subordination to the kingdom of heaven, of which the Church has the administration. For as the body is apt to grow unserviceable when not governed by the mind, in like manner, the temporal authority is never in good condition unless guided by the instructions and discipline of the Church. And as the state of a man’s constitution is easy and undisturbed, when there is no contest between flesh and spirit, so the best expedient to secure the peace of the secular government, is to forbear attempting anything against the kingdom of God. Your highness may likewise please to remember, that God has placed you in that station of empire, to protect the Church, and not to make yourself master of her jurisdiction; and that the more undisturbed the ecclesiasticks are under your government, the better disposition they will be in to pray for your highness’s prosperity.”

HENRY I.
K. of Eng.
*Ivo's letter
to the king.*

Baronius is charmed with this letter, and would have it frequently inculcated to princes. But though the substance of the advice may be seasonable enough, yet the address, take it altogether, has some crude expressions, and seems penned with too lofty an air.

Baron. Ann.
nal. tom. 12.
ad Ann.
1100.

This year Thomas, archbishop of York, departed this life. He has the character of a very valuable person, both for his learning and conduct. He was a great benefactor to his church, which was in a very low condition at his coming to that see. To give some particulars: he found but three canons for the chapter at his first coming, and those altogether unprovided, either with houses or maintenance; but in a little time he filled up the number of the canons, and made a handsome provision for them. He likewise built the cathedral from the foundation, as it stands at present, and

*The death
of Thomas,
archbishop
of York.
His charac-
ter.*

ANSELM,
Abp. Cant.

Stubs. Ac-
tus Pontif.
Eborac. p.
1708. God-
win in Ar-
chiepisc.
Eborac.
282.

furnished it with ornaments and a good library. He likewise begun the office of dean, treasurer, and precentor in that church. And as for the canons, he settled a prebend upon each of them, and put them in a condition to live by themselves; whereas formerly, like university scholars, they eat at a common table. He likewise divided the diocese into archdeaconries. To conclude with him: he was a person of more than ordinary learning, considering the age; he wrote several things in prose and poetry; composed a great many hymns, and set them for the choir, having good skill both in vocal and instrumental musick. He died at Ripon, in November, about three months after he had crowned king Henry.

This year Robert, duke of Normandy, returned from the Holy Land, with an expectation not only of recovering his duchy, mortgaged for three years, but likewise of succeeding to the crown of England upon the death of his brother William. But he quickly found himself disappointed, and that his brother Henry had stepped into the throne before him. This duke, conceiving himself injured, resolved to pursue his claim by force; and while he was deliberating upon the measures, Ralph, bishop of Durham, lately imprisoned in the Tower, making his escape into Normandy, inflamed the difference between the two brothers, gave the duke an expectation of a great interest in England, and encouraged him to the expedition.

Vunnery of
Clerkenwell
and priory
of St. John's
of Jerusalem
founded.

Alford An-
nal. vol. 4.
p. 176.
Stow's Sur-
vey of Lon-
don, p. 483,
484.
A. D. 1101.

About this time the nunnery of Clerkenwell, and the religious house of St. John's of Jerusalem, were both founded by Jordan Brisset.

To return to Anselm: The Easter to which the controversy between the king and the archbishop was to sleep being come, and their respective agents to Rome not yet arrived, the truce, as we may call it, was continued till their return.

Anselm very
serviceable
to the king
against his
brother the
duke of Nor-
mandy.

In the meantime, the court was very much alarmed at duke Robert's preparations; and as it appeared afterwards, many of the great men were in the Norman interest. The king, therefore, to tie the English the faster to him upon so important a juncture, repeated the engagement he had formerly made for an equitable administration. And here Anselm was pitched upon by the nobility and commons to

receive the king's promise and take the public security. In **HENRY I.** K. of Eng. that part of the engagement which related to the clergy, the king promised to continue the Church in her former franchises; that he would neither sell nor farm out any estates belonging to ecclesiasticks, nor make seizure of bishopricks or abbeys upon any vacancy.

Mat. Paris,
Hist. Major.
p. 55.

Things being thus adjusted, the king levied a considerable force to defend himself against his brother; Anselm likewise brought the king a body of men, and appeared very active in his service. However, duke Robert had gained part of the fleet which was to intercept his passage, and landed with a formidable army at Portsmouth. And now many of the great men declared for duke Robert. The king, being in great danger of losing his crown, made large promises to Anselm, gave him an assurance that he would leave the business of religion wholly to him, and be always governed by the advices and orders of the apostolick see. On the other side, Anselm did his part to prevent a revolt from king Henry; he harangued the great men and the army, and put them in mind how detestable falsehood and perjury would make them, both to God and man; and that they ought rather to lose their lives than break through their oaths, and fail in their allegiance to their prince. And thus, as Eadmer reports, the archbishop strengthened the king's party, and kept the crown upon his head. To proceed: both princes were now near a balance, and ready to try their fortune in the field; but by the interposing of some great men on either side, they were brought to an accommodation; and Robert was contented to quit his title to the crown, and take a yearly pension of three thousand marks in lieu of it. There was likewise an article, that if either of the brothers died without issue male, the survivor should be heir to his dominions.

Robert being disappointed in his expectations from the English, was contented to sign this agreement, especially since he knew Anselm would certainly excommunicate him for an invader in case he refused to comply.

Eadmer,
l. 8. p. 59.
Huntingt.
Hist. l. 7.
fol. 216.
Westmin-
ster Flores.
Hist. ad
Ann. 1101.

The archbishop having been thus serviceable to the crown, it was generally thought he would have met with no farther disturbance. But the king would by no means pass over the old controversy. The agents, therefore, being now

ANSELM,
Abp. Cant.

returned from Rome, Anselm was summoned to court to give the king satisfaction about the business of investitures. It seems Robert, duke of Normandy, and his party, had prevailed with the king to call Anselm to an account, and insist upon his prerogative. But before I proceed farther in this dispute, it will not be improper to acquaint the reader with pope Paschal's letter to the king upon this occasion.

After the usual forms of salutation, he begins thus:—

*Pope Pas-
chal's letter
to the king
upon the
subject of
investitures.*

283.

1 John 10.

“ Your instructions to your ambassadors were welcome to us, dear son, but we should have been glad your performance had come up to your promise. You declare yourself ready to pay the same regard to the holy see of Rome which was given by your father; and that you only require the same treatment which he received from our predecessors. These things look very agreeably at the first view; but when they are more thoroughly examined, as your ambassadors explain them, they discover a very harsh and unacceptable meaning. You desire the Church of Rome should allow you the right of giving bishops and abbots investitures, and would draw that within the prerogative royal, which God has declared can be done by none but himself. For our Saviour has told us, ‘ I am the door, by me, if any one enters in, he shall be saved;’ but, when kings take upon them to be the door of the Church, it necessarily follows, that those who enter by that passage are thieves and robbers, instead of shepherds; for, as our Saviour declares, he that enters not by the door into the sheepfold, but climbs up some other way, the same is a thief and a robber. Had your highness desired anything which religion, justice, and the circumstances of our station would have allowed, we should have gratified you with all the willingness imaginable; but the point you insist on is so unaccountable, and ill-complexioned, that the Catholick Church can by no means give her consent. St. Ambrose chose rather to run the utmost hazard than to resign a Church to the emperor. ‘ Be not carried into so dangerous a mistake,’ says he to the emperor, ‘ as to think that spiritual matters, and things within my administration, are part of the jurisdiction of the crown. Be not elated with your purple; but, if you desire a long

reign over men, take care to behave yourself like a HENRY I.
K. of Eng. subject to God Almighty; for it is written, 'let Cæsar have what belongs to him, but give unto God the things that are God's.' Now the palaces belong to the emperor, but the churches to the bishops. The town walls are under your majesty's command, but not those of the consecrated buildings. 'Why,' says St. Ambrose, 'should you concern yourself for an adulteress? Now she that is not lawfully married must certainly lie under that imputation.' Thus, your highness," continues the pope, "may perceive, that Church is called an adulteress, which is not fairly married. Now every bishop is the husband of his Church, as appears by the scripture, where the surviving brother is commanded to marry his brother's wife, to raise up seed to his brother. Your highness may easily conceive how ignominious, how criminal, it is for a mother to be debauched by her children. If, therefore, you are a son of the Church, suffer your mother to be lawfully married; and that God incarnate, and not man, may lead her into this relation. For bishops are made by God Almighty when they are canonically elected; for, as the apostle assures us, 'no man takes this honour to himself, but he that is called of God, as was Aaron.' And St. Ambrose tells us, 'that he that is chosen by an universality, may reasonably be said to receive his character from God Almighty. For,' as that father goes on, 'where the votes are general and unanimous, we need not question but that the motion is inspired, and the choice conducted by our blessed Saviour; and that he will preside over the affair, and bless the solemnity.' Besides, the Prophet David, speaking of the Church, has these words, 'Instead of fathers, thou shalt have children whom Psalms 45. thou mayest make princes in all lands.' Thus we see the Church produces an offspring, and makes princes for her government. We might allege several other testimonies from the holy Scriptures, that bishops, who stand in the relation of husbands, and pastors to the Church, are not to be preferred to this character at the discretion of the secular power. No; this affair is to be regulated by the direction of our blessed Saviour, and the judgment and approbation of the Church. For this reason the emperor Justinian

ANSELM,
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speaks thus in his Constitutions: 'In the choice of a bishop,' says he, 'there ought to be a strict enquiry into the life of the person, to see whether he has a general good report, and that there be no blemish upon his character.' And a little after, 'Let everybody have the liberty of making their objections; and if there be any complaint preferred before consecration, let the solemnity be stopped till the case is examined, and the charge disproved.' Thus," as the pope goes on, "that which the emperor declares belongs to the whole diocese, or community, the king is desirous to draw within his own jurisdiction. Farther; by the imperial laws, a bishop is not allowed to take a journey, or appear at court, without leave from his metropolitan. And does your highness think it accountable to make that person a spiritual prince, whom you ought not to admit into your presence without letters of allowance from his archbishop? Nothing can be a greater contradiction to nature than for a son to make his father. Therefore the emperor Constantine, of pious memory, was afraid to interpose in ecclesiastical matters. For this reason our predecessors have always opposed this abominable usurpation of investitures; neither could the sharpest persecution from tyrannical princes ever prevail with them to give up the point. Now we trust in Almighty God, that St. Peter, the supreme bishop and prince of the Church, will never lose the reward of his meritorious confession by our mismanagement. We desire your highness, therefore, would not be prepossessed with any irreligious suggestion, as if we had any intention to lessen your authority, or make any new claim upon you in the promotion of bishops. Be pleased rather to consider, that if out of regard to God Almighty you let fall these pretensions, these apparent encroachments upon religion, which we can neither grant, nor yourself exercise with any good conscience, whatever you desire for the future, provided it lies within our power, shall be willingly granted, and we shall be always very ready to promote the honour and interest of your crown. Never think that any part of your prerogative will be lost by desisting from this ungodly encroachment; but conclude rather that your government will have more strength and lustre, when the divine laws and

authority have a due deference. By this means you will have a farther interest in our friendship, and reign under the happy guardianship and protection of the holy apostles."

HENRY I.
K. of Eng.

Eadmer,
l. 3. p. 59,
60, 61.

By this letter, it appears, the pope was resolved not to dispense with the canons in favour of the regale; neither would the king, on the other side, give up that which, for some late reigns, had passed for part of the prerogative.

When Anselm made his appearance at court, the king commanded him either to do homage, and consecrate the bishops invested by him, or forthwith to depart the kingdom. To this Anselm made answer, that he had given his highness an account of what was lately done in this matter by the synod of Rome, and that those who abetted the claim of lay investitures were to be excommunicated. Which way, therefore, was it practicable for him to comply, without pronouncing an excommunication upon himself? And as for the agents at Rome, who moved for a relaxation, they were now returned without any success. To this, the king replied, "What's all this to me? I am resolved not to part with the privilege of my predecessors, nor suffer any person in my dominions, who refuses me the securities of a subject." When Anselm received this message from the king, he was so hardy as to say, "He should not depart the kingdom, but go down to Canterbury, and stand the shock there."

The difference kept on foot between the king and Anselm.

But here Anselm, to speak softly, exceeded the moderation of St. Cyprian; for this holy bishop submitted to banishment at the emperor's order, and refused to return without his leave; but, in excuse of this incomppliance, it may be said, that probably the archbishop did not believe the kings of England so absolute as the Roman emperors.

In this dispute between the king and Anselm, the majority of the bishops, and temporal nobility were on the court side; and some of them were very earnest with the king to disengage from any farther connectoin with the see of Rome.

Eadmer,
l. 3. p. 62.

But at last, it seems, it was not thought adviseable to proceed to an open rupture without trying a farther expedient. In pursuance of this resolution, the king sent to Anselm to attend him at Windsor, with an intimation of

ANSELM, coming to a temper, and that the former demands would be somewhat moderated. When Anselm came to court, it was agreed in the great council of bishops and barons, that Anselm should be allowed a longer term for deliberation. That in the meantime fresh agents should be dispatched to Rome, with positive instructions to offer the pope this alternative: that his holiness must either depart from his former declaration, and relax in the point of investitures, or else be contented with the banishment of Anselm, lose the obedience of the English, and the yearly profits accruing from this kingdom.

*Fresh
agents sent
to Rome.*

The archbishop's agents were two monks, Baldwin, of Bec in Normandy, and Alexander, of Canterbury. The reason of Anselm's sending these men, was not to importune the pope to any farther condescensions, but partly to inform him of the menaces of the English court, and partly to bring back a farther account of the determination of the Roman see. The king's ambassadors were, Girard, lately translated from Hereford to York, Herbert, bishop of Norwich, and Robert, bishop of Chester. Two of these prelates had business of their own, Girard wanted his pall, and Herbert intended to try for the recovery of his jurisdiction over the abbey of St. Edmundsbury: for, some few years before, in the popedom of Alexander II., Baldwin, abbot of that monastery, had procured a bull to exempt the abbey from all episcopal jurisdiction, only with a salvo for the rights of the see of Canterbury. Archbishop Lanfranc was so far displeased with this matter, that he deprived the abbey of this privilege; neither could the strongest importunity prevail with him to allow it till towards the latter end of his life. Thus we see Lanfranc made no difficulty to reverse an order of the court of Rome, when he found it prejudicial to the right of the diocesan, and break in upon the ancient government of the Church.

*Eadmer,
ibid.*

*A mistake in
Sir Edward
Coke.*

And here, by Alexander the second's bull of privilege to the abbey of Bury, it is plain sir Edward Coke was mistaken in founding the exemption of that monastery upon the king's charter. It is true he cites the Year Book of Edward III. for his opinion; but to this it may be replied, that the king's courts are not always infallible in their decisions. Were the case otherwise, there would be no occasion for

appeals, writs of error, or overruling of precedents; and, with all due regard to the bench, it may be said, the reverend judges are no part of the legislature; their business, as my Lord Bacon observes, is *jus dicere*, not *jus dare*. To apply this,—the precedent mentioned by sir Edward Coke, goes upon a mistake, and is neither supported by statute nor common law. Statutes are not so much as pretended; and what is the notion of common law? Is it not general usage; practice beyond memory, and record without contradiction? But the exemptions of religious houses by the crown cannot be applied to this definition; for the papal and uncontested exemptions of Malmsbury, Westminster, and Bury, above mentioned, to say nothing of Battle, are all instances to the contrary. To which we may add, that when the abbey of Glassenbury was exempted from the jurisdiction of the ordinary in the reign of king Edgar, this privilege was granted by the consent of all the English bishops, and afterwards confirmed by the pope's bull, at the king's instance.

HENRY I.
K. of Eng.

285.

To proceed: in the place above cited, sir Edward Coke lays it down for a law, "That all religious or ecclesiastical houses, whereof the king was founder, are, by the king, exempt from ordinary jurisdiction, and only visitable, and corrigible by the king's ecclesiastical commission. And for this point he quotes Fitz-Herbert, *De Natura Brevium*. But Fitz-Herbert in this book mentions a case, which plainly confutes sir Edward Coke's opinion. The case is this: "If any chaplain, or priest, of a Frank chapel of the king's, shall keep a scandalous correspondence with any woman, the bishop may cite him into his courts, and punish him for his misbehaviour. And if such chaplain or priest shall bring a prohibition to stop the process, upon pretence that such exempted chapels are not visitable by the bishop;" notwithstanding this plea, Fitz-Herbert affirms, the bishop shall have a consultation awarded, to proceed against the priest, and correct him by corporal punishment.

Coke's Reports, part 5. fol. 15.
Malmsb. de Gest. Reg. Angl. l. 2. c. 8.

To return to the king's ambassadors: when these English prelates had their audience of the pope, they entreated him to consider his interest, and not insist upon the rigours of his predecessor; that, unless this was done, things would be terribly embroiled. The pope replied, that he would rather

Fitz-Her. Na. Br. fol. 50. Breve de Consultatione. Edit. 1588.

ANSELM,
Abp. Cant.

*The pope
refuses the
king inves-
titures.*

lose his life than comply with such an expedient; and that the menaces of a single person should never frighten him from his constancy, or prevail with him so far as to cancel the decrees of the holy fathers. Having given this positive denial, he delivered his letters to the respective agents.

His letter to the king begins with a great deal of smoothness and commendation. "He gives thanks to Almighty God for his accession to the throne, and prays for the prosperity of his reign. He commends him for avoiding the irreligious conduct of the late king his brother, for restoring the Churches to their liberty, and treating the clergy with regard, and that he was confident the king would go on in the same commendable administration, unless his highness should happen to be misled by some sinister advice:" and then proceeds to caution him against the poison and ill consequence of such suggestions: "That his being governed by the measures of some men's politics will certainly draw the divine displeasure upon him, and that then neither the assistance of his great council, the force of his armies, nor the good condition of his exchequer, could afford him any security; that if he maintained the Church in her liberty, and dropped the contest about investitures, he might depend upon the friendship of the see of Rome; but as for this matter, his holiness could by no means yield, having, by the direction of the Holy Ghost, forbidden all kings and laymen, whatsoever, from giving investitures: for it is by no means reasonable that the mother should be made a slave by her son, or have a husband forced upon her."

*The pope's
letter to
Anselm.*

The pope's letter to Anselm is to this purpose: "He congratulates his being recalled to his see by the general desire of the English nation, and at the instance and invitation of the present king. He gives God thanks for Anselm's fortitude and resolution in supporting his character, and that neither interest nor fear could make him desist from the defence of truth. He desires him therefore to maintain his ground, and persist in his adherence to the cause, and that God would stand by him in the contest; that the late Lateran synod had confirmed that of Urban, his predecessor; that laymen's giving investitures to promotions in the Church was the chief cause of simony, and apt to make the clergy imprudent, and over-obsequious to get themselves

preferred." At the close of the letter the pope confirms the primacy of the see of Canterbury, and exempts Anselm from the jurisdiction of any Roman legate.

HENRY I.
K. of Eng.

Eadmer,
p. 64.

When the agents and ambassadors were returned, the king convened the great men of the kingdom at London, and sent Anselm word, that now he must either comply with the usages of his father's reign, or quit the kingdom. Anselm desired a sight of the pope's letter, adding, withal, that he was ready to submit to the king's pleasure, as far as the regards to conscience and character, and his obligations to the holy see would give him leave. The king sent him word he might produce his own letter, for that which came to himself should not be known at present. Besides, he told him the business of letters was not the point; that which he expected, was an answer from him, whether he would obey his order without any more fencing and excuse.

The king's refusing to produce the pope's letter made people suspect he was not pleased with the contents; which conjecture was right enough, as appeared in a little time after. In the meanwhile, when Anselm's letter from the pope was publicly read, the bishops, who were the king's agents, declared the answer they received of the pope, by word of mouth, amounted to a revocation of what was expressed in the letters. That his holiness, at a private audience, gave them an assurance, that, provided the king managed to satisfaction in other points, he would indulge his highness the liberty of investitures, and not excommunicate him for giving bishops or abbots the pastoral staff; that the reason why this favour was not expressed in the bull, was to prevent its coming to the notice of other princes, who would be apt to insist upon the same privilege. On the other side, Anselm's agents protested, the pope gave no orders by word of mouth in contradiction to his own letters. To this the king's ambassadors replied, that this matter was secretly concerted, and that the others were not present at the grant of the dispensation. The agents thus disagreeing with one another occasioned a division among the great men: some of them maintained the monks' testimony ought to be received, and that the pope's hand and seal was not to be questioned; others were of opinion, that the asseveration

The agents disagree in the report of their negotiation.

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ANSELM, of three bishops ought to be believed before a scroll of sheepskin blacked over with ink, with a piece of lead at the end of it. And as for the monks, there was little credit to be given to their evidence upon the comparison; for when those recluses renounced the world, they seemed to renounce their understanding in some measure, and part with their capacity for secular business. To this, Baldwin and his party replied, that this was no secular business; that the Gospel was engrossed in parchment, and written upon sheepskin, and yet they hoped it would not be urged to the disadvantage of the canon.

*Eadmer,
l. 3. p. 65.*

As for Anselm, this counter-evidence put him something to a stand: he thought it very undesirable on the one side, to act as if he questioned the pope's letters; and, on the other hand, to slight the solemn affirmation of three prelates, would give great occasion of disgust; he thought it, therefore, most advisable to suspend his assent till farther information.

*The dispute
respite till
the pope is
farther con-
sulted.*

The king, being thus fortified by the report of his ambassadors, insisted more earnestly upon Anselm's homage, and that the archbishop should give his highness a promise to consecrate those promoted by him. And here most of the bishops and barons concurred with the king's demand. Anselm replied, that in case the agents had been unanimous in their report, he might probably have done what was required; but now he thought it necessary not to precipitate matters till the pope was farther consulted. And when the king's ambassadors offered to appeal to the pope for the truth of what they delivered, Anselm told them, that he would avoid singularity and giving dissatisfaction as much as was possible, that therefore he would go the utmost lengths of conscience in his compliance; and that, since he understood the great men desired it, he should not refuse to communicate with those that received investitures from the crown before the pope's mind was farther known; but then he would not be obliged to consecrate any person so promoted, or so much as to consent to his consecration. And thus upon these terms both parties agreed, and the controversy slept for the present.

Eadmer, ib.

The king, being somewhat at liberty, gave the pastoral

staff immediately to two court clergymen; Roger, his chancellor, was preferred to the see of Salisbury, and another Roger, his larderer, to that of Hereford.

HENRY I.
K. of Eng.
Ibid.

The next year there was a national synod held under Anselm at St. Peter's, Westminster. It was summoned with the king's consent; and, that the constitutions might be the more unanimously received, Anselm desired the king that the temporal nobility might be present, which was granted accordingly. Not that the laity were to vote in this ecclesiastical meeting, but only to have the satisfaction of being witnesses of their proceedings.

A. D. 1102.
A national council at London.

I. The first thing done in this council, was to declare against simony. And here several abbots were deprived upon this score. To go on to the rest of the canons, which are remarkable.

II. Archdeaconries were not to be let out to farm.

III. Archdeacons were to be deacons.

IV. No archdeacon, priest, deacon, or canon, was allowed to marry, or to live with his wife already married. This liberty, as Huntington observes, was not denied the English priests till this synod. People, as the historian goes on, were divided in their opinion about this canon; some thought it a most angelical provision, but others looked upon it as a dangerous expedient: that by straining the matter thus high, and reaching at a perfection out of their power, was more likely to make way for debauchery, and prove scandalous to the last degree.

V. To proceed: a married priest was to be thrown out of the privilege of his order, not allowed to say mass, and if he presumed to officiate, the people were not to hear him.

Hunting.
Histor. i. 7.
fol. 217.

VI. Sons of priests were not to succeed, by way of inheritance, to their father's churches.

VII. No clergymen were to be proctors or attorneys, or sit as judges in causes of life and death.

VIII. That monks and clergymen who had discarded their order, should either return or be excommunicated.

IX. That clergymen should have open crowns, that the tonsure might be the better apparent.

X. That tithes should be given to none but churches.

XI. That livings or prebendaries are not to be bought.

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XII. That new chapels should not be erected without the bishop's consent.

XIII. That abbots were not to make knights. That they were to eat and sleep in the same house with their monks, unless hindered by emergent necessity.

XIV. That any promise of matrimony made privately without witness, should be void in case either of the parties denied the engagement.

XV. That neither monks or nuns be god-fathers or god-mothers. That monks are not to farm any lands.

XVI. That monks should not possess themselves of parish churches, unless by the authority of some bishop, and that they are not to take the profits of those churches put into their hands, to such a degree as to impoverish the priests officiating there.

XVII. That persons of kin were not to intermarry till the seventh generation.

XVIII. That the dead were not to be carried out of the parish for burial, to defraud the parish priest of his due.

XIX. That no person for the future presume to drive that customary ungodly trade of selling men, like horses or cattle in a market. Notwithstanding this canon, the condition of villainage continued upon the constitution; for, by our laws, a villain or slave may be granted for life like a lease; may be attached to a manor, and passed with it like other goods or chattels; and when he is thus attached he may be conveyed away by deed, and made a villain in gross.

XX. To proceed: those that are guilty of sodomy, and such as assist them in that abominable wickedness, are excommunicated by the council; and are not to be absolved till after penance. And if any person of a religious character happens to be convicted of this crime, he is not only to be barred from any higher degree in the Church, but to lose that which he has at present. And if the criminal is one of the laity, he is to be degraded from his station, and forfeit his quality.

XXI. It was likewise ordained, that the aforesaid excommunication should be published every Sunday throughout the kingdom. But this last canon, concerning the repeating the excommunication, Anselm thought proper to dispense

Doctor and
Student,
book 2. c.
18.
Perkins of
the Laws of
England,
c. 1.
See 94. 104.
&c.
Coke Insti-
tut. c. 1. fol.
116. 120. et
alib.

Eadmer,
l. 3. p. 67,
68.
Malmsb. de
Gest. Pon-
tif. fol. 129,
130.

with. It is possible he conceived the frequent mention of **HENRY I.** K. of Eng. this sin might lessen the hideousness of it, and raise unserviceable images in the minds of the people.

Mr. Fuller observes, that simoniacks, condemned by the first canon, "are not taken in the vulgar acceptation, for such as were promoted to their places by money; but in a new-coined sense of that word, for those that were advanced to their dignities by investiture from the king." But this is a mistake; for the controversy between the king and Anselm concerning investitures, was not yet determined; the contest, by the agreement of both parties, was to sleep till farther application to the pope. And since the matter hung thus in suspense, we cannot imagine Anselm would sign the breach of his own articles; or that the council should decree against the king before they knew how the matter would be decided at Rome. This, I say, is altogether unimaginable, especially if we consider that most of the bishops sided with the king against Anselm. Fuller, Church Hist. book 3. p. 19.

The thirteenth canon forbids the abbots the privilege of knighting. That bishops, abbots, and sometimes parish priests used to make knights, has been shown already; but the Normans, as Ingulphus observes, were used to another custom, which probably might occasion this prohibition in the canon. However, this privilege was not thought so inconsistent with an abbot, but that a grant from the crown might qualify him for it, as appears by two charters; one of them belonging to Battle abbey, and the other granted by Henry I., and confirmed by king John, to the abbot of Reading, in both which charters the abbots are allowed to make knights under certain rules and conditions.

The king, resolving not to lose any opportunity of pushing the point of investitures, sent to Anselm to consecrate Roger and Reinelm, elected to the sees of Salisbury and Hereford, (for the other Roger was lately dead,) together with William, elect of Winchester. Anselm answered, that he was ready to consecrate William; but as for the late articles between the king and himself, he could not depart from them. The reason why the archbishop consented to the consecration of William was, because he refused to act upon the king's promotion, or receive the ring and pastoral staff from him. The king, on the other side, Selden, Not. ad Eadmer, p. 207. Reinelm and William refuse consecration upon the king's pastoral staff.

ANSELM,
Abp. Cant.

288.

solemnly declared, that they should either all, or none of them be consecrated; and Anselm declining this office, the king commanded Girard, archbishop of York, to perform the solemnity. Upon this Reinelm, of Hereford, refused the episcopal character, and returned the ring and pastoral staff to the king. By this resignation he lost the king's favour, and was dismissed the court. However, the archbishop of York went on with his commission, and designed to consecrate William and Roger at London; and when several of the prelates were met to go through the customary scrutiny, and examine the qualifications of the elected, William renounced the authority, and would by no means be passive under it: upon which the rest of the prelates went off, and nothing was done. This disappointment provoked the king to that degree, that he confiscated William's estate, and banished him the kingdom: neither could Anselm prevail for the least mitigation of this rigour.

The following Lent, the king happening to come down to Dover to treat with the earl of Flanders, staid some few days at Canterbury in his passage. During this time he sent to Anselm to give him satisfaction, and not tire his patience any longer, for fear of provoking him to new measures. The archbishop answered, the agents were now returned from Rome with the pope's decision. He desired, therefore, his holiness's letters might be read, and that he was ready to govern himself accordingly. The king replied, he would endure no more of this trifling; that the privileges possessed by his predecessors were parcel of his crown, and that there was no reason he should submit his prerogative to the pope's determination. In short, the court displeasure ran so high, that it was feared some terrible storm would fall upon Anselm. However, he was not to be moved by any prospect of danger. Besides, the king seems to have gone somewhat off from his articles; for, by resting the dispute till Anselm's agents returned from Rome, and by consenting to a farther application to that see, it looks as if he had referred the difference to the pope's arbitration. But now, he would not so much as suffer the reading of the pope's letter. This turn of temper made Eadmer suspect the contents of them had been discovered by one of his agents.

At last the king was pleased to relent, and desire Anselm

to take a journey to Rome himself, to try if he could persuade the pope to relax. Anselm undertook the voyage, at the request of the bishops and barons.

Being thus solicited, he embarked immediately for Normandy, neither did he think it safe to open the pope's letter till he was arrived. His reason was this,—that in case the king had demanded a sight of the letter, and found the seal broken, he might have charged the agents with forgery, and questioned the authority of the instrument. Besides, had the contents been different from the late report of the king's ambassadors, the archbishop would have been brought under a dilemma; for either he must have communicated with those who, in the interim, had given investitures upon the king's pastoral staff, which would have involved him in the censure of the council of Bari, of which himself was a member; or else, by declining their communion, he must have incurred a general odium.

Having now mentioned the reason why he deferred opening the pope's letter, I shall give the reader part of it:

The pope, after some preliminary ceremony and commendation, acquaints Anselm, "How sorry he was that the English prelates of the late embassy should misreport him so notoriously to their master. That so unwarrantable a concession, as they mentioned, never entered into his thoughts. That he could not yield the point of investitures with any consistency in his duty to God Almighty. That if the pastoral staff, which is an emblem of spiritual authority, was delivered by lay hands, what privilege would be left to the bishops? If the laity encroach at this rate upon the sacerdotal function, the honour of the Church must sink, the force of discipline be lost, and the Christian religion grow insignificant. It is the duty of the laity to protect the Church, and not to betray her. When Uzziah grasped at a forbidden office, and challenged the priesthood, he was struck with leprosy. The sons of Aaron, likewise, for making use of strange fire, were destroyed by a miracle of vengeance. Now for princes, or secular men, to give investiture, or even over-rule the election of bishops, is destructive of the government of the Church, and condemned by the holy canons." And here, he instances the seventh

HENRY I.
K. of Eng.

A. D. 1103.

Eadmer,
l. 3. p. 70.

Anselm desired to go to Rome to persuade the pope to give up the investitures.

Eadmer, ib.

Pope Paschal's letter to Anselm.

ANSELM, *Abp. Cant.* general council: from hence he proceeds "to declare those bishops excommunicated, who had solemnly attested a falsehood and misreported him to the king. And that all persons that should receive investiture or consecration while the controversy was depending, should lie under the same censure, together with those that ordained them.

Eadmer,
l. 8. p. 71.

*The king
sends an-
other embas-
sy to Rome,
but without
success.*

The king was resolved to make a farther trial of his interest at the court of Rome. To this purpose he dispatched one William Warelwast, who had formerly been employed there in the late reign. This agent arriving at Rome before Anselm, solicited for his master, and, amongst other things, insisted upon the munificence of the kings of England to the Roman see. That upon this score they had a particular regard paid them above other princes. That it would not only be dishonourable to his master to quit the privileges of his predecessors, but the court of Rome would be a great loser by refusing to gratify the king. That if things were once carried to extremity, there would be no possibility of recovering their former ground. The spirit of this remonstrance, with other private methods of application, brought over several of the pope's court, insomuch that the agent was in hopes he had gained the point; and, therefore, finding he had some enemies in the consistory, he told the board, that the debating the point, *pro* and *con*, would signify little; for his master, the king of England, would rather hazard the loss of his crown than part with the investitures. To this the pope gave him an unexpected answer, and declared, that he would rather lose his life than grant what the agent demanded. However, the pope was desirous not to come to a rupture with the king, and therefore complied with him in some other matters, and wrote him a ceremonious letter. Amongst other things he acquaints him, the demand could not be granted without great danger to the king and himself. That he had no intention to lessen his prerogative, or do the least disservice to his crown; but that the giving investitures was a privilege essential to the government of the Church, and perfectly foreign to the civil magistrate. He entreats him, therefore, to waive the contest, and recall Anselm; and then promises all imaginable compliance in other matters.

289.

Id. p. 72, 73.

*The pope
writes a ce-
rimonious
letter to the
king.*

Id. p. 75.

Now Anselm and the king's agent took leave of the pope; **HENRY I.** the first returned to Lyons, and the other went forward for **K. of Eng.** England. The archbishop wrote a letter to inform the king of the proceedings at the court of Rome, and that it was not in his power to obey his highness's commands; he desired, therefore, the king would please to acquaint him whether he might have liberty of living in England upon other terms. If this was not permitted, the spiritual damage the people would suffer, by the absence of their archbishop, would not lie at his door.

Id. p. 76.

While Anselm continued at Lyons, he received an account, in a letter, of the lamentable condition of the province of Canterbury: "that all places were overrun with violence and injustice; that the churches were harassed and oppressed, the poor plundered, and the consecrated virgins abused. That if the archbishop had maintained the ancient discipline, and acted up to the strength of his character, this disorder had not happened; that his quitting the kingdom was not the way to make the enemies of religion relent and recollect themselves; that the archbishop's conduct, upon this occasion, was somewhat unintelligible; that he that has undertaken the management of the helm, ought by no means to quit the vessel at the apprehension of a storm; at such a time the keeping of his post is more necessary than ever. It is possible at the great day he may be ashamed of his excessive caution, when he shall see so many brave governors of the Church at the head of their people; men who stood by their flocks in time of danger, and never gave way to the most formidable assault. How glorious, then, will be the memory of the holy bishop St. Ambrose, who made no difficulty to maintain the authority of his character to the emperor Theodosius's face, and refuse him entrance into the Church till he had qualified himself by repentance? What change in affairs might not such holy zeal, such heroick fortitude produce?" He proceeds to tell the archbishop, "that the blackest prospect of torture and death could not have excused his withdrawing himself. What, therefore, could be said, when this was none of his case. His liberty had not been taken from him, nor his person outraged; indeed, he seems to have been frightened out of the kingdom by the menaces of a single courtier; by thus going off, he had

Anselm returns to Lyons, where he receives a reprimanding letter from an English monk.

A. D. 1104.

ANSELM, Abp. Cant. left open the gates to the enemy, and let in the wolves upon the sheep." He takes the freedom to acquaint the archbishop, "that this dispirited conduct had been very unfortunate in the precedent; that the courage of his suffragans sunk by their primate's faintness. Indeed, what is to be expected, when a general quits the field, and there is nobody to make head in a defence?" He therefore exhorts Anselm to come with all speed to his province, to remove the scandal of his caution, and appear for the relief of his charge. And to make these measures appear practicable, he tells him, a great many people will espouse the interest of religion, and stand by him.

Eadmer,
l. 4. p. 77.

The person that wrote this letter was a monk of character, but Eadmer does not mention his name.

The king was strongly solicited for Anselm's return, but refused to consent, unless upon the former conditions. And to make his measures appear more justifiable, he sent another embassy to Rome, to try if he could prevail with the pope to bring Anselm to a submission; but the pope, instead of being gained, excommunicated the earl of Mellent, and some others of the English court, who had dissuaded the king from parting with the investitures. However, the pope declined pronouncing any censure against the king. Anselm, perceiving the court of Rome dilatory in their proceedings, removed from Lyons, and made the countess Adela, the Conqueror's daughter, a visit at her castle in Blois. This lady enquiring into the business of Anselm's journey, he told her, that after a great deal of patience and expectation, he must now be forced to excommunicate the king of England. The countess was extremely troubled for her brother, and wrote to the pope to procure an accommodation, and persuaded Anselm to go along with her to Chartres.

The countess of Blois promotes an agreement between the king and Anselm.

290.

Robert, duke of Normandy, loses great part of his duchy.

The king was now in Normandy, and had almost mastered the whole province. Duke Robert, after his refusing to be king of Jerusalem, and coming off from the Holy War, began to sink in his reputation, and lose the authority of a governor; his subjects thought him too much abandoned to his ease, and that application and vigour were wanting in the administration. Eadmer reports, it was his piety and disengagement from the world, which made his subjects dis-

relish him. In short, upon the king's appearing in the country, almost all the great men broke their oath of allegiance, deserted their duke, and went over to him. And thus, by the strength of his purse, and the perfidiousness of the Normans, he had most of the towns and castles of that duchy put into his hands.

HENRY I.
K. of Eng.

Idem. p. 80.

When the king was informed that Anselm designed to proceed to excommunication, he desired the countess, his sister, to bring him with her into Normandy, with a promise of condescension in several articles; to this Anselm agreed, and waited on the king at a castle called l'Aigle: and here they proceeded a great way towards a good understanding, and the king returned Anselm the revenues of his archbishoprick, but would not permit him to come into England, unless he promised to communicate with those who had lately received investitures, or given consecration upon such promotions. Anselm being not at liberty to consent to this condition, continued in France till the matter was laid once more before the pope.

The difference between the king and Anselm taken up in some measure.

In the meantime, the king was pleased the accommodation was thus forward; for now it was commonly reported in France and England, that the king would be shortly excommunicated; which might have proved of dangerous consequence at the present juncture; for the rigour of the administration had made the government a great many enemies. But this agreement disappointed the faction, and gave the subjects a better prospect. The king, perceiving his affairs re-established by this expedient, treated Anselm with great regard, made him frequent visits, and promised to dispatch his agents to Rome, and forward the archbishop's return home with all expedition. He likewise wrote into England, that Anselm might have no trouble given him, either in his tenants or estate, and that all those that held under him might enjoy their property without the least molestation.

A. D. 1105.

And now the king returning into England, the agents were delayed in their journey to Rome; upon which Anselm received another reprimanding letter, for continuing so long beyond sea; for it seems some of the English imputed his absence to his own inclination.

The letter complains "that religion was in a lamentable declension; that all order and discipline were overborne; that

ANSELM,
Abp. Cant.

*Another ex-
postulatory
letter sent
from Eng-
land to An-
selm.*

Eadmer,
p. 81.

the bishops were perfectly governed by the directions at court, and misbehaved themselves in their function; that the laity gave themselves all manner of liberty; in short, that all things were perfectly unhinged, and overrun with injustice and dissolution of manners; that nobody had courage enough to stem the tide or remonstrate against the evil; and that all this misfortune was chiefly owing to the archbishop's absence."

Anselm, who was sensible his return into England ought not to be delayed, wrote to the king, to desire the agents might be sent to Rome with all expedition; and soon after William Warelwast and Baldwin began their journey. In the meantime, the English were hard pressed by the crown. The king having lately made a great progress in Normandy, resolved to push the advantage, and seize the whole duchy. To this purpose he came into England for a reinforcement; and having occasion for a great sum of money, the methods of collecting it proved very oppressive and arbitrary; and the country was harassed almost as much as if it had been overrun by an enemy, and lain under contribution. Those who wanted money to advance upon demand, had their houses plundered, and their goods sold; new claims and forfeitures were set up against the subject, and the courts of justice were so partial to the prerogative, that no person durst defend the title to his estate, or stand a suit against

Idem. p. 83. the king.

Eadmer goes on with some other grievances, relating more particularly to the Church. He observes, that the priests and secular canons who had been enjoined celibacy by the late synod at London, had taken the opportunity of Anselm's absence, broke through the restraints of the council, and engaged themselves in marriage. The king made his advantage of this management, and forced them to fine for the liberty. All these projects falling short of the king's occasions, he set a tax upon every parochial church, and obliged the incumbent to pay it. And here, those who either wanted money to answer the demand, or refused to comply with so illegal an imposition, were haled to gaol, and miserably handled.

*A body of
priests peti-
tion the king
for redress of
grievances,
but without
success.*

The king coming to London at this time, about two hundred priests, putting on the habits in which they offi-

ciated, addressed his highness for relief, but without success. HENRY I.
K. of Eng.

And now the English bishops, who had sided with the court against Anselm, began to recollect themselves and grow sensible of their mistake; as appears by their letter directed to him into Normandy. In this letter, after having set forth the deplorable condition of the Church, they press him to come over with all speed, promise to stand by him in the execution of his charge, and pay him the regard of a primate; it is subscribed by Gerard, archbishop of York; Robert, bishop of Chester; Herbert, of Norwich; Ralph, of Chichester; Sampson, of Worcester; and William, elect of Winchester. Idem. p. 84.

291.
The English bishops solicit Anselm to return.
See Records, num. 15.

Anselm expresses his satisfaction at the bishops' owning their misconduct, promising their assistance, and sending him an invitation; but acquaints them, withal, that it was not in his power to come over till he was farther informed of the proceedings of the court of Rome.

Ibid.

To go on: Anselm, being informed the king had fined the clergy for the breach they had made upon the late canons, wrote to his highness to complain of this stretch of his prerogative; he remonstrates, that the prince's interposing thus far in ecclesiastical affairs was unprecedented in the Church of God; that the correction of priests for misbehaviour against the canons, belonged to none but their respective ordinaries; that in case the diocesans neglected their duty, and were guilty of any omission, the archbishop of the province was to take cognizance of the matter. He therefore entreats the king not to carry his regale to this excess, and break in upon the government of the Church; that the money raised by such an indefensible expedient would both endanger his soul and prove unserviceable to his purpose. And lastly, he desires his highness to remember that he had taken him into his protection, and restored him to the profits and privileges of his archbishoprick: now, as he continues, the punishing the misdemeanours of the clergy was a peculiar branch of his jurisdiction; the spiritual administration and authority being more essential to his character than any temporal privilege or property whatsoever.

Eadmer,
p. 85.

At last, the king's and Anselm's agents return from Rome, with a decision somewhat more agreeable than formerly; for

ANSELM,
Abp. Cant.

*Pope Pas-
chal writes
to Anselm.
A. D. 1106.*

Idem. p. 77.

*The king re-
conciled to
Anselm.*

*Anselm's
arrival in
England.*

Eadmer,
p. 89.

*King Hen-
ry's pre-
tence for at-
tacking his
brother in
Normandy.*

now the pope thought fit to come to a compromise, and make some advances towards gratifying the king. For though he would not yield up the point of investitures, yet he dispensed so far as to give the bishops and abbots leave to do homage for their temporalities. Part of his letter to Anselm runs thus:—he imputes the king's tractableness and good disposition to the effect of Anselm's prayers; he desires the archbishop not to be surprised at his condescensions to the English court; that it was only done out of a pious motive to recover them from their error, and fix them more firmly to their duty; that he that designs to lift another up, must of necessity stoop his own body; that this bending posture, though it may seem to look towards a fall, does by no means throw a man off his legs: his holiness, therefore, absolves those who lay under excommunication about the matter in contest, and gives Anselm leave to communicate with such as had received investitures from the crown. He likewise, at the king's instance, restores those former agents to com-
munion who had misreported his holiness at their return.

The king was much pleased with this relaxation, and sent immediately to invite Anselm into England; but the agent finding him sick, the king was so gracious as to set sail into Normandy, and make him a visit at the abbey of Bec. And here all differences were perfectly adjusted. The king remitted the impositions, and redressed the grievances begun upon the Church in the late reign; promised never to seize any part of the revenues of the vacant sees; to return the money lately extorted from the clergy; and to restore Anselm all the profits of his archbishoprick which had been seized in his absence.

And now Anselm, embarking for England, arrived at Dover, and was received with an extraordinary welcome. To omit other circumstances of respect, the queen herself was so condescensive as to make part of the procession, and travel before him upon the road to provide for his better entertainment.

This year duke Robert came into England, to treat with his brother about the restitution of what he had lost in Normandy. But the king was so far from parting with his conquest, that he resolved to try his fortune for the remainder. However, Matthew Paris reports, that he was

touched with remorse of conscience for his usurpation of the crown of England, which apparently belonged to Robert, upon the score of his being the elder brother; the consciousness of this injustice made him apprehensive, the subjects might, one time or other, appear for the right line, and rise upon him. These jealousies might make him desirous to disable his brother, and wrest the duchy from him. For this purpose he convenes the great men to London, harangues upon his brother's miscarriages, and the haughtiness of his temper, and makes the English large promises of good government; and by these means persuades the nobility to assist him in his expedition into Normandy. Malmsbury reports, the king attacked his brother only upon the score of maladministration: that he had formerly expostulated with him upon his misconduct, advised him to act with the vigour of a prince, and not suffer his subjects to be harassed by ill ministers: but it seems the duke did not think it fit to have rules set him for the government of his own dominions; and therefore, when proposals were sent him by the king to deliver up all the places of strength, the whole administration, and half the country of his duchy; the king promising on his part that he should enjoy the other moiety without disturbance, and have a yearly equivalent in money for the half he should resign; when this proposal was sent him, he acquainted his nobility with it, who, being highly disgusted with the overture, persuaded him to reject it, as they seemed to have good reason to do. The king, perceiving his advice slighted, was for some time unresolved in his measures. He thought the attacking his brother would look harsh and unnatural; and, on the other side, the refusing to succour the duchy under so great oppression was what he could not well digest. Being at this uncertainty with himself, blood and nature, as Malmsbury goes on, had carried the point against publick advantage, had not the authority and elocution of pope Paschal animated him to the expedition. It seems the pope, among many other things, had told him, that the attempt would not fall under the notion of a civil war, but be a noble rescue of the country: but, without doubt, for one prince to interpose in the government of another, to prescribe measures to an independent sovereign, and invade him upon pretence of mal-

HENRY I.
 K. of Eng.
 Mat. Paris.
 Histor. major. p. 61, 62.

Malmsbur.
 de Gest.
 Reg. Angl.
 l. 5. fol. 89.
 A. D. 1106.

Ibid.

292.

Orderic.
 Vital. Eccles. Hist.
 l. 11. p. 120.

Malmsb. ib.

*The grounds
 of the war
 unjustifiable.*

ANSELM, administration, is a very unwarrantable ground of war. For **Abp. Cant.** where there is no authority to command, there is no right to punish. Besides, a prince's oppressing his own subjects is no injustice to a foreign state. Now where there is no injury done, there is no reparation due, and, by consequence, no colour for acts of hostility. To this we may add, that supposing the subjects never so much oppressed, they cannot take the benefit of a foreign deliverance; for, if they desert the government and join the invader, they are false to their allegiance, and fall under treason: for this reason, I suppose, Alford taxes Malmsbury with partiality to king Henry, and endeavours to clear the pope from giving any encouragement to the expedition.

Alford An-
nal. Eccles.
Angl. vol. 4.
p. 218.

*King Henry
gains the
battle of
Tenerche-
bray, and by
that the
duchy of
Normandy.*

So much for the grounds of the war. As to the event, the two brothers encountered each other at the castle of Tenerchebray, where, though the Normans fought with great resolution for some time, yet, being overpowered with numbers, the victory at last fell to the king. In this fight duke Robert, a prince of great personal valour, was taken prisoner, together with the famous William, earl of Mortaigne, and several other persons of quality. And thus the duchy was entirely lost: and as, about forty years before, the Normans had conquered England under William I., so now the English had their turn of success, and conquered Normandy under Henry his son.

The king wrote Anselm an account of this victory, and desired his prayers, that the success may not turn to his disadvantage, but that he may behave himself suitably under the blessing.

Eadmer,
l. 4. p. 90.
See Re-
cords, num.
16.
A. D. 1107.

The king having now possessed himself of the duchy of Normandy, returned into England.

Eadmer, ib.

The settling of the Church affairs was deferred for some little time, because pope Paschal, being now come to hold a council at Troyes, in Champagne, had sent for William and Baldwin, the late agents at Rome. The king, therefore, expecting some farther account from his holiness, postponed the business of the Church till their return.

*The pope
dispenses
with the
canons in
the case of
clergymen's
sons.*

The pope having been consulted about the case of clergy-
men's sons, whether they were to be admitted to benefices
or not, was contented to dispense with the canons, as ap-
pears by his letter to Anselm, in which he grounds the in-

indulgence upon the particular circumstances of the English Church; where, as he observes, the greater and most valuable part of the clergy were the sons of priests; and therefore, considering the necessity of the times, he gives Anselm a commission to promote such persons in the Church, provided they were well qualified in other respects. He likewise empowers him to dispense with the canons in other cases, where the untractableness of the English and the interest of religion should make it necessary.

HENRY I.
 K. of Eng.
 Eadmer, p.
 91.
 See Re-
 cords, num.
 17.

A. D. 1107.

From hence it appears, that all the efforts of St. Dunstan, of Lanfranc, and Anselm, had not been able to discountenance marriage, nor impose the celibacy of the clergy.

This year the bishops, abbots, and temporal nobility, were convened at London. And here the king solemnly relinquished the giving investitures by the ring or pastoral staff. Anselm likewise declared, on his part, that he would never refuse any person consecration for his doing homage to the king. Matters being thus agreed, the vacant sees were filled.

*The king
 renounces
 the investi-
 tures.*

At this convention Anselm demanded a profession of canonical obedience from Gerard, upon his translation from Hereford to York. To this the king answered, that he conceived the canonical obedience promised by Gerard to his primate at his promotion to his see of Hereford was sufficient; for though he had changed his diocese, his person was the same, neither had he ever been discharged from his first engagement. This satisfied Anselm so far as to dispense with the circumstances of the form, and only require a verbal promise, which was given him accordingly.

Eadmer, ib.

Soon after the recess of this meeting, there were five bishops consecrated at Canterbury, viz. William, of Winchester; Roger, of Salisbury; Reinelm, of Hereford William, the king's late ambassador, of Exeter; and Urban, to the diocese of Landaff.

Id. p. 92.
 293.

When Anselm perceived the king had taken off the weight of the regale, and left the Church to her liberty, he gave the pope an account of it in a letter; where, amongst other things, he informs his holiness, that the king, in the choice of bishops, was by no means governed by his own

Id. 93.

ANSELM, pleasure, but resigned himself wholly to the advice of the
 {
 Abp. Cant. } prelates and clergy.

We are to observe, that, before the king renounced the claim of investitures, other lay persons who had the patronage of abbeys, used to give possession by the delivery of the ring and crosier. But now the laity were all barred from this pretension; and, therefore, when the queen promoted one Ernulph to the abbacy of Malmsbury, she wrote to Anselm to give him the usual benediction, and deliver him the pastoral staff. Her letter is written in an unusual strain of ceremony, and is, part of it, as follows:

See Records, num. 18.

The queen's letter to Anselm.

She acquaints the archbishop, "that his letters were always a great satisfaction to her; that nothing could be nobler in the sense, or more moving in the expression; that his elocution was not inferior to that of Demosthenes or Tully; that, in his correspondence, he entertained her with the learning of St. Paul, with the correctness of St. Jerome, and with the manner and genius of St. Augustine and St. Gregory; that her understanding was informed, her zeal quickened, and her conduct much benefited by these instructions."

Anselm, Epist. l. 3. Ep. 119.

The archbishop wrote her a very respectful answer, but excused himself for not giving Ernulphus possession of the abbey, because that person had disqualified himself by sending Anselm a bribe.

Anselm, Epist. l. 3. Ep. 120.

Hunting. Histor. l. 7. fol. 217.

This year, Edgar, king of Scotland, departed this life; and Alexander, his brother, by the allowance of king Henry, succeeded him. This prince, upon his accession to the throne, wrote to Anselm to desire his prayers for his brother lately deceased, and to send him some directions for his station. Anselm, in his answer to king Alexander, returns him only general advice for a conscientious management: "that it would be his interest to give justice and religion the ascendant in his administration. That the way to be happy in his government, was to make the law of God the measure of his actions; that a prince was then absolute in the best sense, when he reigned over his passions; that virtue and conscience were no less royal qualifications than courage; that his conduct should be such, as to make him beloved by the best, and dreaded by the worst of his sub-

Anselm's letter to Alexander, king of Scotland.

jects: always remembering the great day of retribution, and that virtue and vice would be remarkably distinguished in the other world."

HENRY I.
K. of Eng.

Anselm,
Epist. l. 3.
Ep. 132.

About this time, Maurice, bishop of London, departed this life. He had been formerly chaplain to the Conqueror, was nominated by that prince to the see of London, in the year 1085, and consecrated by Lanfranc in the year 1086. Not long after, St. Paul's happening to be burnt, with the greatest part of the city, Maurice laid the foundation of the new cathedral upon so vast a model, that it was thought it would never have been finished. To furnish him the better for this undertaking, the king gave him the remains of a palace in London. He had likewise a grant from the crown of the castle of Bishop's-Stortford, and the manors belonging to it.

Stow's Sur-
vey of Lon-
don, p. 852.
Wharton de
Episc. &
Decan.
Londinens.

Notwithstanding these advantages, and his utmost application and interest for twenty years together, the structure went on but slowly. Indeed the plan was so large and magnificent, that the church was not finished in Diceto's time, who wrote above a hundred years after the death of this prelate.

To this year we are to assign the death of Richard, abbot of Ely. I mention him, because he was the last of that dignity in the monastery; for, upon his death, Hervey, bishop of Bangor, happening to be forced from his see by the mutinous, ungovernable temper of the Welsh; the king sent him down to Ely to be entertained by the abbey till a farther provision. This prelate, being a person of prudence and address, gained such an interest with the monks, that they wished themselves under his jurisdiction. Hervey, perceiving the monks' inclination, told them, he conceived the monastery might be serviceably turned into a bishop's see; dilated upon the convenience of the place, and the largeness of the revenues, and made them a great many promises for their assistance in this affair. The monks giving their consent, Hervey applied to the king, who, approving the motion, sent for Robert, bishop of Lincoln; for Ely being in this prelate's diocese, his jurisdiction could not fairly be lessened, nor another see erected upon him without his consent. To make him a compensation therefore for resigning Cambridgeshire to the new see, the manor of

The monas-
tery of Ely
made a
bishop's see.

Angl. Sacr.
para. 1.
p. 616.

ANSELM, Abp. Cant. Spalding was conveyed to him and his successors. Hervey Histor. Eliens. Angl. Sacr. para. 1. p. 616. having the bishop of Lincoln's consent, and the king's favour for his project, applied to Anselm, who wrote to the pope for his allowance of what was in hand; alleging the diocese of Lincoln was too large for the government of one bishop; but without any mention of Hervey. However, this prelate going to Rome himself, and carrying letters from the king and the archbishop, persuaded the pope that he might be the person. The pope, therefore, in his letter to the king, recommends Hervey to his highness's favour, both upon the score of his probity and learning, and also because of the barbarous usage he had met with in his own diocese; and therefore when there was a vacant see in England, he desires the king, Hervey might be preferred, that the qualifications of so considerable a person might not lie idle, and be discouraged. This letter was written the latter end of November, 1107.

Selden. Not. ad Eadmer, p. 210. Pope Paschal wrote another letter to Anselm to the same purpose, excepting that there is no mention made of the person designed for the new see.

Selden, ib. I shall conclude this year with the death of Godfrid, prior of Winchester; a person, as Malmsbury reports him, very remarkable both for his piety and learning. His letters and epigrams were written with a great deal of spirit and genius. He likewise wrote a panegyric upon the English primates; and, which is more considerable, he helped to reform the divine service, discharged what was worn out by time, brightened the phraseology, and made the whole more beautiful and solemn. Malmsb. de Gest. Pontif. l. 2. fol. 140. Malmsbury commends him very much for his hospitable and charitable temper; and that he made his house a general receptacle for indigent strangers. He was likewise a person remarkably humble and unpretending in conversation; which, considering his capacity and acquirements, was no mean commendation. For, as Malmsbury goes on, people are apt to grow haughty upon their attainments this way; to throw their learning and superiority into their face, and carry a disagreeable mixture of pride and sense in their mien and gestures. By the reformation he made in the publick office of the church, Alford conjectures, he had a principal hand in correcting Osmund's *Breviary Secundum Usus Sarum*.

Alford, Anal. vol. 4. p. 165.

The next year, the king granted a charter for the erecting the monastery of Ely into a bishop's see. The charter sets forth, that this new erection was made by the authority of pope Paschal, at the instance of Robert, bishop of Lincoln, and his whole chapter, with the consent of Anselm, archbishop of Canterbury, Thomas, archbishop of York, and all the other bishops of England; so that, as far as it appears from the charter, the king's part is only to confirm the temporalities and civil privileges to that see; and to bar the bishops of Lincoln from all secular claim upon the Ely diocese.

HENRY I.
K. of Eng.

A. D. 1108.

King Henry's charter for erecting the diocese of Ely.

Selden, Not. ad Eadmer, p. 211.

Selden makes several objections against the genuineness of this charter. One of his exceptions is drawn from the date. The charter, dated November, 1108, supposes Anselm dead; and yet it is certain from Eadmer, this archbishop did not die till April, the year following.

The genuineness of it questionable.

Alford endeavours to salve this seeming inconsistency, by observing, that Hervey was elected to the see of Ely in the year 1108, when Anselm was living; but had not possession till the year following, in which the charter was drawn, and gave him a legal settlement: he supposes therefore the charter contains the proceedings of two years, and bears date from the first. How solid this solution may be, I shall not stand to examine: however it is certain Hervey was not possessed of the bishoprick till after Anselm's death.

Eadmer, Hist. l. 4. p. 104.

Selden objects farther against the charter, from the mention of the word *Duces*, and judiciously observes, that there was no such title in England after the Conqueror's time till the reign of Edward III. To this Alford replies, that the title of duke was frequently used in the Conqueror's time; but, not offering to prove it given to any English subject, the answer is faint, and does not come up to the difficulty.

Alford. Annual. vol. 4. p. 228.

About the beginning of this year, Gundulph, bishop of Rochester, departed this life. He was a person, though not profoundly learned, yet very prudent in his conduct, and well qualified for government and publick business. He built the cathedral of Rochester from the foundation, and left it in the condition it stands at present. He likewise founded the hospital of St. Bartholomew's, at Chatham; and the nunnery at Malling, which, at the dissolution of religious houses was valued at the yearly rent of two hundred and

ANSELM, *Abp. Cant.* forty-five pounds. He likewise built the great tower in Rochester castle: and, to conclude with him, he made a very rich shrine for St. Paulinus's relics.

Malmsb. de Gest. Pontif. lib. 1. fol. 132. Godwin in Episc. Roffen.

Another synod at London. A. D. 1108.

Severe canons against the married clergy.

And now Eadmer complains, that the decrees of the late synod of London were slighted by the clergy; that a great many priests took the liberty to live with their wives; and those that were single, married as they thought proper. There was therefore another synod convened at London in Whitsun holidays, where all the bishops, with the consent of the barons, made the regulations following, viz.—

“That priests, deacons, and subdeacons, should not entertain women in their houses, except their nearest relations, according to the decision of the council of Nice.”

But here the London synod misreports the council of Nice, as I have proved already.

295.

To proceed: “Those priests, deacons, or subdeacons, who have cohabited with their wives, or married since the late synod at London; if they intend to officiate in their function, are obliged to an immediate separation: their wives are likewise forbidden to come to their houses, to meet them elsewhere, or so much as to reside upon any of the demesnes of the Church. And in case any clergyman was charged with the breach of these canons, either by public fame, or the deposition of two or three legal witnesses, he was obliged to purge himself by six counter-evidences, provided he was a priest; but, if no more than a deacon, five would serve. But if the just number of compurgators could not be procured, he was to fall under the censure of the canon. And as for those priests who should presume to slight the authority of the synod, and cohabit with their wives, they were to be barred all exercise of their function, deprived of their benefices, and thrown under an discreditable character. And if any of them proved so mutinous, as not to part with their wives, and yet ventured to say mass, they were to be excommunicated within eight days, provided they did not appear upon summons, and make satisfaction. All archdeacons and prebendaries were likewise comprehended within the prohibition of these canons. All archdeacons were likewise to take an oath, that they would not receive any bribe to connive at the breach

of this canon; nor suffer any priests, who lived with their wives, to officiate, or put in a vicar. And, in case they heard them charged upon this article, they were to examine the truth of the accusation. The same oath was put to the deans. And, provided any dean or archdeacon refused to swear, he was to lose his deanery or archdeaconry. And as for those priests who chose rather to quit their wives than their function, they were to forbear officiating forty days, and submit to such other penance as their ordinary should enjoin them. And if any of the persons above mentioned happened to fail or relapse, their moveables were to be seized, and put into the bishop's custody.

HENRY I.
K. of Eng.

Notwithstanding the rigour of these canons, several of the clergy refused to acquiesce. It seems they did not think the synod had any authority to dissolve so solemn a relation, or to bar them those liberties allowed by the Holy Scriptures, and the practice of the primitive Church. Several priests therefore ventured through the prohibitions of the synod, and received their wives again; slighted the correction of the archdeacons, and took no notice of their excommunication. Anselm was mightily disturbed at this behaviour, flies out into a great deal of indefensible satire, and drops several intemperate expressions upon the occasion. And all that can be said for him is, that he had the prejudices of the age he lived in, to plead somewhat in his excuse.

Eadmer,
l. 4. p. 95.
Hoveden
Annal. fol.
270.

*Several of
the clergy
refused to
acquiesce in
the synod.*

Anselm,
l. 3. Episto-
lar. Epist.
112.

Anselm was much more serviceable to the kingdom upon another account; for it was by his advice, with the rest of the nobility, that several savage customs were put down, which were extremely oppressive to the commons; and here the king began with his own domestics, and made the court lead the way in the reformation. In the late reign, those that belonged to the king, and followed him in his progress, used to harass and plunder the country at discretion; and many of them were so extravagant in their barbarity, that what they could not eat or drink in their quarters, they either made the people carry to market and sell for them, or else they would throw it into the fire: and at their going off, they would frequently wash their horses' heels with the drink, and stave the remainder; and as for outrages to persons, both men and women, they went to the utmost length

*An oppres-
sive custom
put down.*

ANSELM,
Abp. Cant.

Eadmer,
p. 98, 99.

Eadmer.
p. 100.

should be informed by letters from Anselm that Thomas had received his consecration, and made the customary profession of canonical obedience to the archbishop of Canterbury. The pope wrote him an answer and promised to satisfy his request.

By the complexion of these proceedings it appears, that Thomas, and the chapter of York, were in concert to throw off the usual acknowledgment to the see of Canterbury, and set up for an independent province. They conceived the present juncture, if rightly managed, very favourable to their design; for now Anselm's constitution seemed almost worn out, and very unlikely to last long; provided, therefore, Thomas could throw in any colourable delays, and put off his consecration till after Anselm's death, the point might probably be carried; for it was believed the see of Canterbury would not be immediately filled; and if Thomas was consecrated during the vacancy, the profession of canonical obedience might be slipped, there being no archbishop of Canterbury to demand it of him.

*Anselm's
last letter to
all the Eng-
lish bishops.*

Anselm perceived Thomas trifled with him in prospect of this advantage, and, therefore, finding himself near his end, he endeavoured to countermine the elect of York, and secure the rights of his own see to posterity. To this purpose he wrote another letter to Thomas, to this sense: "He commands him in the name of God, not to presume upon any part of the episcopal office, till he should come off from his revolt against the see of Canterbury, and make the customary submission of his predecessors; but if he chose rather to persist in his present methods, he conjures all the bishops of Great Britain, under the censure of perpetual excommunication, neither to consecrate him themselves, nor to own his communion, in case he got himself consecrated by any foreign prelate. He likewise charges Thomas under the censure and solemnity above mentioned, never to receive consecration for the archbishoprick of York, till he had professed his canonical obedience to the see of Canterbury.

Eadmer.
p. 102.

Anselm sent a copy of this letter to every one of the English prelates, commanding each of them, upon their canonical obedience, to treat Thomas according to the contents of his letter, and no otherwise.

This, as far as it appears, was the last publick business managed by Anselm; for, as Eadmer, who was one of his family, reports, he died soon after at Canterbury, in the sixteenth year of his prelacy, and of his age the seventy-sixth.

HENRY I.
K. of Eng.
His death.
April, Anno
Dom. 1109.

Anselm was extracted from a considerable family: his father's name was Gondulphus, and his mother's Hemeberga. He was born in the year 1033, at Aoste, a town at the foot of the Alps, belonging to the duke of Savoy. After having gone through a course of study, and travelled for some time in Burgundy and France, he turned monk in the abbey of Bec, and put himself under the government of Lanfranc, prior of that monastery.

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When Anselm engaged himself thus to the cloister he was no more than seven-and-twenty years of age. About three years after, when Lanfranc was made abbot of Caen, Anselm succeeded him in the priory; and when Herluin, abbot of Bec, died, Anselm was promoted to the abbacy. The rest of the history of this great prelate has been mentioned already, I shall therefore proceed to a brief recital of his writings. The largest edition of his works is the last, published by Father Gerberon; it is divided into three parts: the first of these, containing dogmatical tracts, is entitled *Monologia*; it begins with a treatise of the existence of God, of his attributes, and of the Holy Trinity; it is called *Monologia*, because it is thrown into the form of soliloquy and meditation, and represents a person who reasons with himself in search of divine truths, and explains them as they come up in the discovery. In this division he treats of the fall of the devil, acquaints the reader why God made man, treats the subject of original sin, and explains the manner of its communication to Adam's posterity. He proceeds to examine the liberty of the will, and the consistency of this freedom with the divine prescience. To proceed:

Antiquit.
Britan. in
Anselm.
Du Pin,
New Ec-
cles. Hist.
Cent. 11.
p. 92.
*His writ-
ings and
character.*

The second part of this learned prelate's works contains practical and devotional tracts. For instance: homilies, poems in contempt of the world (which last piece is questionable as to the author,) prayers, meditations, &c.

The third part of the division takes in Anselm's letters, in four books. The two first books were written in the cloister in Normandy. The third was composed when he

ANSELM, was archbishop. And as for the fourth, it was never yet printed.

Du Pin,
New Ec-
cles. Hist.
Cent. 11.
p. 93. et
deinc.

Having just mentioned this archbishop's works, I shall give the reader the judgment of monsieur Du Pin upon them. "We do not meet," says this learned critick, "with any ecclesiastical writers before St. Anselm, who wrote after so scholastick a manner, started so many metaphysical questions, or argued with the appearance of so much logick and acuteness, as he has done. He is also the first who composed long prayers, in the form of meditations. His letters are written in a less elaborate and artificial style; neither are they so correct as the former. His exhortations are plain homilies, interspersed with a great many mystical notions, in which there is neither much rhetorick nor morality. He does not seem to have been any great master in positive divinity; however, he had read St. Augustine's works, and took many principles out of them, which he makes use of in his reasonings upon subjects of divinity².

² In none of the Church histories do we find so elaborate an account of Anselm as this of Collier's: nor is he undeserving of this extensive memorial, for, with all his defects, Anselm was truly a great man, and strongly influenced the destinies of his age. His most remarkable characteristic appears to have been resolution, or fortitude: he exhibited in an eminent degree the "*justum et tenacem propositi virum*." Several of the most important relations of theology, which had been kept alive through the dark ages by Isidore, Paulinus, Rabanus Maurus, Alcuin, Photius, Psellus, Erigena, and Claudius, received a new and powerful impulse from the genius of Anselm. His explanation of the doctrine of the Trinity, as a series of theophanies or divine developments, was afterwards adopted by several illustrious writers. In devotional compositions Anselm particularly excelled. To him is generally attributed the book entitled "*Augustine's Meditations*," translated into English by Stanhope, accompanied by more acknowledged treatises. Bernard seems in many respects closely to have imitated Anselm. From him he borrowed many of his arguments in the famous dispute with Abelard, and from him his oratorical pathos of language seems to have been derived. These two illustrious men were the chief lights of their century, and the originators of much of that scholastic divinity which flourished under the auspices of Albertus, Buonaventure, and Thomas Aquinas. Unfortunately they carried several of the tenets of St. Augustine too far, and became infected with certain Manichean doctrines, which that father unwittingly brought into the Church. Gerson and Thomas à Kempis (also translated by Stanhope) were wise enough to take advantage of the best part of their writings without becoming entangled by their sophistries. Among these sophistries one of the most practically injurious was that which maintained that the pope had a right to interfere with the spiritual authority of Christian princes within their own territories. Anselm forgot the established canon, that kings are as absolutely divine, sacred, and ecclesiastical supremes, within their own kingdoms, as the pope can be within his own popedom. By overlooking this condition of the king as supreme, as the Lord's anointed, who, within his own kingdom, is to be honoured next to God, even as God's representative, Anselm occasioned many of the cala-

As to his moral qualifications: he was a person of great strictness and self-denial; his temper and sedateness were such, that, after he turned monk, he never was so far transported with choler as to fly out in the least reproachful language, excepting once. His zeal was fervent, and his courage invincible. Where he believed the rights of the Church and the interest of religion concerned, no greatness, no menaces of princes, no prospect of hardship could discourage him in pursuit of his point; and though Fox discommends him for contesting with king William Rufus about the owning pope Urban, yet without doubt Anselm held the right side of the question in this dispute. The king declared he had not owned Urban for pope himself, and that for this reason none of his subjects ought to do it, and that this prescribing a pope for his subjects was part of his prerogative. But to this it may be answered, that Anselm was bound to own pope Urban without the king's leave, provided he believed him canonically elected; and that,—

HENRY I.
K. of Eng.

Malmsb. de
Gest. Pont.
l. 1. fol. 130.

Fox's Acts
and Monu-
ments, vol.
1. p. 241.

Eadmer,
l. 1. p. 25.

First, because every Catholic bishop has a right to be owned by the rest of the episcopal college, his communicatory letters ought to be received, and his censures ratified by the rest of his order.

Secondly, according to the principles of that age, the pope had at least a patriarchal power in England; and, by consequence, the English bishops were obliged to pay him a proportionable acknowledgment. This patriarchal right, resulting from the privilege of his see, the king had no right to deprive him of, or discharge Anselm from owning

mitous convulsions that subsequently distressed this island, and which Collier has so graphically described. Dante, in his *Monarchia*, set the rights of monarchs on their proper footing, and his doctrine gradually extended among the best informed scholars till Henry VIII. carried it into execution, and by professing himself the true pope of England, shook off the tyranny of the Italian pontiff. Heaven cannot bear two suns, nor Britain two popes. The monarchs of Britain are the patriarchs and pontiffs of Britain, that is, their ecclesiastical authority, is no less super-eminent than their secular. Anselm placed the character of the king too low; he put the king in a false position, as a merely secular prince, and, in consequence, his political conduct was full of blunders. The theory that sir Robert Filmer illustrates in his *Patriarcha*, if not quite perfect, is at least infinitely nearer to the Biblical system of government than that advanced by Locke and his followers, who, with the best intentions in the world, have, in fact, done far more than papalists to undermine the royal prerogative in every nation in Europe.

ANSELM,
Abp. Cant.

298.

Godwin. in
Archiepisc.
Cant.
A. D. 1109.

Eadmer,
l. 4. p. 102.

*The bishops'
resolution.*

him under that character of superiority. Farther, if the secular magistrate may forbid one bishop to own another, stop the correspondence, and destroy the subordination of the episcopal college; if all this lies within the commission of the secular magistrate, the Church may be disenfranchised by the state, spiritual jurisdiction must grow precarious, and Catholic communion become impracticable, and, by consequence, one article of our creed will be lost by this Erastian latitude. And though Anselm was in the right in this matter, it is possible he might be too inflexible, and carry his incomppliance somewhat too far in some other cases of less consequence. For instance, his refusing to gratify William Rufus with the payment of a thousand pounds looks like a mistake of this nature. And, to conclude, though the prejudices of the age he lived in might mislead him in some points, yet he seems to have been a person of great probity and conscience. He was canonized in the reign of Henry VII., at the instance of cardinal Morton, then archbishop of Canterbury.

Soon after the death of Anselm one cardinal Ulric arrived in England. He was sent hither by pope Paschal with a pall for the elect of York; but being informed of the death of Anselm he was somewhat at a stand, for his instructions were, to put the pall into that archbishop's hands, to be disposed of as he thought fit.

This year, at Whitsuntide, the bishops and temporal nobility, paying their customary attendance at the court at London, the king asked their opinion about the consecration of Thomas, elect of York; and upon this, Anselm's last letter was read. Robert, earl of Mellent, was very much displeased with the contents, and asked, whether any of the bishops were so hardy as to receive a letter of that kind without the king's leave? The bishops, perceiving this earl designed to move for an impeachment, and bring them under some forfeiture to the king, withdrew, and, consulting among themselves, came to this resolution, that in case the king should be governed by the earl's suggestions, they would rather run the hazard of losing their temporalities than disconform to Anselm's letter with respect to the elect of York. The prelates thus resolved were London, Winchester, Lincoln, Norwich, Salisbury, Rochester, Hereford,

Chester, Bath, Chichester, and Exeter. These eleven bishops consulted Sampson, bishop of Worcester, upon the point. His answer was, that, notwithstanding the elect of York was his son, and the regard he had for him upon the score of so near a relationship, he must prefer his duty to the see of Canterbury to all considerations of blood and paternal affection; and therefore, unless Thomas would make profession of canonical obedience to the see of Canterbury, he could never give his consent to his consecration.

HENRY I.
K. of Eng.

Idem, p.
103.

Upon this all the bishops went in a body to the king, frankly owned their receiving Anselm's letter, and that they could by no means depart from the contents of it. And now the earl of Mellent fancied the bishops had fallen into the snare, and seemed ready to prosecute, and press the advantage; but this design was disappointed by the king, 'who declared himself entirely of the bishops' opinion, and that he would not lie under the danger of Anselm's excommunication; no, not for an hour.' This gave a sudden turn to the affair, and made the clergy say among themselves, that Anselm was now become a sort of guardian angel to his Church, that they believed him present at the debate, and that he gave an impression of justice to the king's thought. The bishops, being thus far assured of the king's favour and impartiality, entreated him to maintain the see of Canterbury in its ancient dignity, and not suffer any new customs of disadvantage to be brought upon it. They suggested that the question of the dependency of the see of York upon that of Canterbury had been fully determined in his father's reign. The king ordered the Records to be read, and being satisfied about the matter of fact, declared he would never suffer this dispute to be revived any more; and, therefore, unless Thomas would make the usual submission of his predecessors to the see of Canterbury, he must quit all his pretensions to the archbishoprick.

The king
complies
with the
contents of
Anselm's
last letter.
Ibid.

Thomas, finding the evidence produced by the see of Canterbury not to be contested, resolved to be no longer governed by the measures of his chapter, but made his profession of canonical obedience, and was consecrated upon it.

Thomas,
elect of
York, yields,
and pro-
fesses ca-
nonical obe-
dience to
the see of
Canterbury,
Idem. 104.

In this form of submission to the see of Canterbury there was a provisional clause for the saving his allegiance and duty to the king and the pope.

The matter being thus agreed between the two metropolitical churches, and Thomas's consecration performed, cardinal Ulric went to York, and delivered him the pall. Thomas being thus completed in his character, consecrated Turgot for the see of St. Andrews.

Hoveden.
Annal. fol.
270.

*The death
of Ingulphus.*

This year, Ingulphus, abbot of Croyland, departed this life. He was born at London, in the year of our Lord 1030; his father, as has been already observed, was one of king Edward the Confessor's courtiers. Ingulphus had his education at the university of Oxford. In the year 1051, William, duke of Normandy, coming into England for an interview with king Edward, Ingulphus was made known to him, attended him into Normandy, and was made his secretary and principal favourite. Ingulphus, being apprehensive the interest he had with so great a prince might draw envy upon him, retired from court, and went in pilgrimage to the Holy Land. At his return he turned monk, and was soon after preferred to the priory of Fontenels, in Normandy. In the year 1076, the Conqueror sent for him over, and made him abbot of Croyland. By the interest he had with the king and Lanfranc, the archbishop, he was very serviceable to his monastery. He wrote the history of this religious house from the year 664 to 1091.

Histor. Ingulph. Petri Blesens. Continuat. Histor. Ingulph. Cave Histor. Liter. Pars 1.

299.

*The see of
Canterbury
kept vacant.*

Mahmsb. de Gest. Pontif. l. 1. fol. 130. Antiquitat. Britan. p. 123.

After Anselm's death the king kept the archbishoprick in his hands about five years, and when he was solicited to fill the vacancy, he used to reply, that his father and his brother had furnished that see with admirable men, that he should be sorry to fall short of his predecessors in the nomination to that post; that for this reason he was obliged to deliberate with leisure and caution in a point of so great consequence: but, after all, it seems the king began to love money more than formerly, to follow the customs of the late reign, and put the revenues of vacant bishopricks in his pocket.

Soon after the death of Ingulphus, the king promoted Joffrid, prior of St. Ebrof, in Normandy, to the abbacy of Croyland. This Joffrid was a person very nobly extracted; his father, Herbert, was a marquis, and his mother, Hildeburga, was sister to Alan Croun, lord high steward to king Henry. He was born at Orleans, and educated in a monastery in that town, where he made himself master of all sorts of learning.

I have been somewhat more particular in relating the birth and qualifications of this abbot Joffrid, because he gave occasion to the beginning (as I am afraid we must call it, till we have better evidence) to the famous university of Cambridge. The story, in short, lies thus: the stately abbey of Croyland had been lately burnt down by an accident, and but meanly rebuilt. Joffrid, being a person of quality and interest, and very active for the service of his monastery, projected the rebuilding it upon a noble and magnificent model. But, computing the charge of the structure, he found the whole revenues of the monastery would fall much short of the design. To get a sufficient fund, therefore, he procured a license from all the English prelates, to relax a third part of the penance to those that should contribute towards the rebuilding of the abbey. For the purpose, if a man had been enjoined three days' abstinence in a week, one of them was to be struck off.

HENRY I.
K. of Eng.

Joffrid, abbot of Croyland, gives occasion to the founding the university of Cambridge.
A. D. 1110.

Pet. Blesens. continuat. Hist. Ingulph. p. 112-13.

By the strength of this indulgence, he laid the foundation of the abbey church, and dispatched his monks into all parts of England and the neighbouring kingdoms, to beg their bounty; assuring them withal of the benefit of the relaxation.

Joffrid, apprehending there might be a deficiency in this supply, thought it necessary to play all his engines; to this purpose, he ordered one Gislebert, a divine, and three other of his monks, who came along with him into England, to go to Cambridge and try their fortune. These monks coming to Cambridge, hired a barn; and, being all men of academical learning, held forth in their respective faculties; and in a little time, had a great number of scholars about them. The next year their audience increased to that degree, that no single house nor barn was big enough to receive them; upon this, they found it necessary to divide their company, and teach in distinct places; and here they followed the method of the professors at Orleans. In the morning, very early, Odo, a celebrated grammarian, taught the boys Priscian's Grammar, with Remigius's notes. At six o'clock, Terricus read Aristotle's Logick, with the Commentaries of Porphyry and Averroes. At nine, friar William read a Rhetorick Lecture upon Tully and Quintilian. As for Gislebert, he preached upon Sundays and holidays in several churches of the town, levelling his discourses more particularly against

Four monks the first professors in Cambridge

the danger of Judaism; his preaching was attended with success, and several people were brought off from their Jewish errors, and reconciled to the Church. The Cambridge scholars, who came from all parts of the country, made a very significant acknowledgment to these monks for their trouble; insomuch, that sometimes they returned a hundred marks a year towards the rebuilding the monastery. To continue this encouragement, Joffrid himself used now and then to make a visit to Cambridge, and preach there; and having a great reputation for the pulpit, he was very much crowded both by the town and neighbourhood. And though he preached always either in French or Latin, which was not understood by the people, yet the venerableness of his person, and the rhetorick of his face and postures were such, that he frequently made the audience weep, and collected a great deal of money for the service of his monastery. And from this slender beginning, as Petrus Blesensis continues, the University of Cambridge grew up to a noble seat of learning.

Pet. Blesensis. continuat. Hist. Ingulph. p. 114-15.
See above in the reign of Edward the Elder.

Maud, the king's daughter, lately contracted to the emperor Henry V., was this year sent into Germany with a great train, and three shillings levied upon every hide of land in England for her dower. This princess, after the death of the emperor, was married to Geoffry Plantagenet, earl of Anjou, and had a great contest, after her father's death, for the kingdom of England.

The emperor Henry extorts the investitures from the pope.
A. D. 1111. Malmsb. de Gest. Reg. l. 3. fol. 64.

The next year Henry V., emperor of Germany, who had deposed his father Henry in the pope's quarrel about investitures, set up the same claim himself; and marching to Rome at the head of an army, surprised pope Paschal; and keeping him prisoner, obliged him to yield the point in dispute; and that provided the bishops and abbots were freely chosen (though, by the way, the emperor's consent was required to the election), they were to have possession given them, by the delivery of the pastoral staff and ring. This agreement was drawn up into articles, and signed by the cardinals and pope before his enlargement.

Florent. Wigorn. ad An. 1111.

The pope being now at liberty, convened the council of Lateran the next year; and here all the fathers of the synod pronounced the treaty with the emperor void, because it was extorted from his holiness, and made under duress.

Florent. Wigorn. ad An. 1112.

And since, as we have seen, the kings of England have been warmly concerned in the contest, it may not be improper to examine into the original and pretensions of this claim. HENRY I.
K. of Eng.
300.

This royal prerogative of giving investitures, as far as I can discover, was first set on foot by Charles Martel, in France. This prince is complained of by historians, for seizing the revenues of the Church, and disposing of the election of bishops in an arbitrary manner. About this time, as the learned de Marca observes, the discipline and government of the Church were terribly overborne in the Western Empire by the encroachments of the state. *An enquiry into the original and claim of investitures.*
De Marc.
de Concord.
Sacerd. et
Imper. l. 8.
c. 11. p. 401.

Carloman, son to Charles Martel, restored the Church to its liberty in some measure, as appears by the council of Lestines, held in the year 743. By this synod, the laity were compelled to surrender the estates they had seized belonging to bishopricks. And Carloman declares "he had filled the respective vacancies in his dominions by the advice and consent of the bishops, abbots, and temporal nobility." And thus the discipline of the Church began to emerge, and return into the old channel. De Marc.
ibid.

To this purpose Pepin, father of Charles the Great, giving pope Zachary an account of the proceedings of the council of Soissons, informs him, that he had made one Abel archbishop, "by the advice of the bishops and temporal lords;" neither was the pope, as appears by his answer, dissatisfied with this prince's conduct. De Marca.
p. 402.

And, therefore, as the learned archbishop of Paris observes, Lupus Ferrariensis was mistaken in affirming, that Pepin had a license from pope Zachary to fill up the vacancies. Farther, Boniface, archbishop of Mentz, who was the pope's legate at the synod of Lestines, owns the prince ought to have an interest in the election of bishops. Lup. Ferrar.
Epist. 81.
Id. p. 402.

To proceed: Charles the Great, who succeeded Pepin, held on the custom of his ancestors, and interposed in the election of bishops. Some writers affirm, this prerogative was settled upon him by a synod at Rome. Sigebert, of Gemblours, who is transcribed by Gratian, relates that Charles left the siege of Pavia, and went to Rome to keep his Easter there; and, after the solemnity of the festival, marched back to his camp, took the town, and then returned to Rome. That at this time pope Adrian I. convening a Sigebert.
Gemblacens.
ad An. 773.
Dist. 63.

general council of a hundred and fifty-three bishops and abbots, granted "Charles the privilege of electing the pope, together with the dignity of a patrician." It was likewise decreed, "that the archbishops and bishops throughout this prince's dominions should receive investiture from him;" and that "no bishop should be consecrated without this royal recommendation;" and that "those who refused to be governed by this synodical decree should be excommunicated, and forfeit their estates, unless they gave timely satisfaction." Baronius will by no means allow the authority of this council, and affirms it was forged by Sigebert, to serve the interest of the emperor against pope Paschal II. he endeavours to prove it spurious by several arguments; I shall mention one or two of them.

De Marca.
p. 403.

*The council
of Rome
under Adri-
an I. dis-
proved.*

First, from the silence of those authors who lived at the time this council is pretended to have been held.

Secondly, because Charles the Great's second visit to Rome, after the taking of Pavia, looks like a perfect invention of Sigebert, and is a plain contradiction to Eginhardus, who wrote at the same time. For this historian mentions only Charles's coming four times to Rome. His first coming was in the year 774; his second, in the year 780; his third journey thither was in the year 786; and his fourth, in the year 800. The fifth, therefore, mentioned by Sigebert, is not to be heard of.

The learned Peter de Marca fortifies the cardinal's opinion, and sets the matter beyond dispute.

Id. 404.

His first argument to prove the synod an imposturous record is, because it pretends to bestow the patrician dignity upon Charles the Great; whereas this prince was born to this title by virtue of a treaty between king Pepin and pope Stephen IV. For this reason he is saluted in the style of patrician by Stephen and Paul I., pope Adrian's predecessors. Thus, when he made his entry into Rome, in the year 774, he was received with the solemnity of the cross, and other marks of respect usually paid to exarchs and Roman patricians, as is observed by Anastasius. De Marca's second argument is drawn from the testimony of Florus Magister, in his tract concerning the election of bishops, written about the year 820; in this tract he informs us, the royal assent to the election of prelates was a circumstance

settled by custom. From whence it is very reasonable to conclude, this learned writer knew nothing of the pretended decree of Adrian, and his general council, mentioned by Sigebert. To which we may add, the epistle of Lupus Ferrariensis, where, treating of the right princes had to confirm the election of bishops, he founds this prerogative royal wholly upon the grant of pope Zachary, as had been already observed. Whereas Adrian and his general council had been both a later and stronger authority; his omitting, therefore, to make use of the best evidence, is a plain proof there was no such thing. De Marca advances a third argument, from two of pope Adrian's letters to Charles the Great; from the first of which, written in the year 784, it appears, that Adrian consecrated the bishops of Lombardy, upon a testimonial of their being chosen by the clergy and people. From the other letter, written in the year 787, we are informed, it was the request of Charles the Great, that his commissioners should have an interest in the choice of the bishop of Ravenna. To this Adrian replies, there was no precedent for any such interposition; it being the custom all along, in king Pepin's reign, for the clergy and people of that town, after the choice of their bishop, to transmit the instrument of the election to the pope, and move for his consecration.

HENRY I.
K. of Eng.

301.

Id. 404.

Now the last of these letters bears date but fourteen years after this pretended council. If, therefore, Charles the Great could have made his claim for investitures, for governing the elections of bishops, from so late and unexceptionable an authority, he would never have entreated for so unquestionable a right, neither would the pope have contradicted such notorious matter of fact, and denied his own grant in his answer.

Thus, the spuriousness of this synod is sufficiently evident. However, the learned De Marca clears Sigebert from the imputation of forgery, makes him only guilty of an oversight as to time and person, and mistaking Adrian I. for the intruder Leo VIII., who lived towards the latter end of the tenth century,

From hence it appears, that how far soever Charles the Great might concern himself in the disposal of bishopricks, he could not insist on this prerogative from any synodical constitution.

*Lewis, son
to Charles
the Great,
restores the
freedom of
elections to
bishopricks.*

*Lib. 1. Ca-
pitular,
c. 85.*

To proceed: after the death of Charles the Great, his son Lewis, who succeeded him in the empire, took off the pressure of the regale, restored the Church to her liberty, and left her to the regulation of the ancient canons.

This was done in the year eight hundred and sixteen, as appears by his edict of that date, published soon after the famous synod of Aix la Chapelle. In this edict, called a capitular, the emperor sets forth, "that being fully informed that, by the tenor of the holy canons, the Church ought to be maintained in the liberty of her constitution, he had, at the instance of the ecclesiasticks, given his consent that the bishop should be chosen out of the vacant dioceses by the clergy and people; and that the choice should be governed by the merit and qualifications of the person."

*De Marca,
l. 8. c. 13.
p. 405.*

From hence it appears that the liberty of the Church had been formerly depressed, and the elections too much influenced by partiality and court interest.

*The busi-
ness of in-
vestitures
farther exa-
mined.*

As to the business of investitures, the claim of princes seems to have been founded upon their endowment of the Church. The bishopricks had great estates and temporal privileges granted by the crown. Now, according to the salique law, livery and seisin were given by the delivery of a wand or bough; "for this reason," says De Marca, "our princes, when they put the bishop elect in the possession of the temporalities, they give him a staff and a ring at his investiture." For when the kings granted fees to the Church, they thought it reasonable to convey them under the condition of feudal tenures, and keep them upon the same dependency with their grants to the laity.

*De Con-
cord Sacerd.
et Imper.
l. 8. c. 19.
p. 428.*

However, the popes were by no means pleased with this custom. It is true they did not speak out and come to a rupture till Gregory VII. This pope being the first, as Malmsbury observes, who excommunicated those prelates that received investitures from the crown; and, in the Roman synod, held in the year one thousand and eighty, all the laity, of what quality soever, that should give investitures, were liable to the same censure.

*Malmsb. de
Gest. Reg.
Angl. l. 3.
fol. 61.*

*Pope Gre-
gory VII.
declares
against
them, and
why.*

One reason why the pope declared so strongly against this practice was, because it was pretended this investiture was a conveyance of the bishoprick; whereas the episcopal authority is by no means at the disposal of the crown. This was one of pope Gregory's exceptions. And, as De Marca

observes, the circumstances of the solemnity gave too great an umbrage for such a supposition. The ring and pastoral staff looked like a grant of character and jurisdiction; and are interpreted in the council against Photius as a mark of episcopal authority. *Βίκτηριόν ἐστὶ σημεῖον ἀξίας ποιμαντικῆς.* HENRY I.
K. of Eng.

Another reason of pope Gregory's prohibition of investitures, is drawn from the canons. He refers to the eighth council against Photius, held under Adrian II. This council, in conformity to the apostles' canons, decrees, that no prince should interpose in the election or promotion of any patriarch, metropolitan, or bishop. And that no metropolitan, under the penalty of deprivation, should consecrate any bishop who had received his see from lay hands. However, Ivo, bishop of Chartres, restrains the meaning of this council to elections, and does not apply it to investitures, and royal assent. Can. Apost.
30.

This prelate, in his letter to Hugh, archbishop of Lyons, the pope's legate, distinguishes between the election of bishops, and the business of investitures. That princes did not pretend to convey a spiritual jurisdiction by the pastoral staff, but only to signify their assent to the choice, and put the elect into possession of the temporalities, which were granted by the crown. That the French kings of this time acted with moderation in this point, kept to a consistency with the council of Clermont, and did not stretch their prerogative to the extent of the practice of Germany, appears by Paschal II's voyage into France, for an interview with Lewis the Gross; the business of which meeting was to entreat the king's protection against the emperor Henry V., who contested for the right of investitures. Now this application had been very foreign and improper, if the French king had insisted on the emperor's pretensions, and made use of a privilege which had been lately condemned by pope Urban at the council of Clermont. Besides, we may learn from another letter of Ivo, that the schism in Germany about investitures stopped there, and gave no disturbance to the Gallican Church. To which we may add that the disuse of this solemnity in that kingdom seems to proceed from a regard to the council of Clermont. De Marca,
p. 427.

302.

The mode-
ration of the
French
kings in this
point.

Epist. 238.

In Germany this dispute ran high with Paschal and Henry V., as has been already observed. Before they came De Marca
de Concord.
Sacerd. et
Imper. l. 8.
c. 19.

The progress of this dispute between Henry V. and pope Paschal.

De Marca de Concord. Sacerd. et Imper. l. 8. c. 20. p. 429.

See the case above between Anselm and the king.

De Marca, ibid. p. 430.

to a rupture, there was a conference held at Chalons between the pope and the emperor's ambassadors. The archbishop of Treves, who represented that prince, urged, that from the time of Gregory the Great, it had been the custom for the emperor to be privately informed who was designed to be elected bishop; then his majesty gave his consent, provided he approved the person. After this, the clergy proceeded publicly to make the choice, and the elect was consecrated. After consecration, the bishop applied to the emperor for the temporalities, and had possession given him by the ring and pastoral staff; and at the same time he was obliged to do homage, and swear allegiance to him. All this acknowledgment the archbishop of Treves alleged was reasonable to be required; for since cities, castles, toll, and other royalties, were annexed to bishopricks, it was fit those that held them should give the emperor an assurance of their fidelity.

To this the pope returned, that the Church, redeemed by the blood of our Saviour, was constituted in a state of freedom, and ought not to be brought under vassalage. That if a prelate could not be chosen without the emperor's approbation, the government of the Church must be precarious. To which he added some other arguments already mentioned.

This conference ending without effect, the emperor prepared to march his forces into Italy; upon which a new treaty was set on foot, and the difference accommodated. The main articles were these:—the bishops were to relinquish the cities, duchies, marquisates, right of coinage, and other royalties, and temporal jurisdictions belonging to their sees; and not to pretend to any right or privilege of this kind, unless upon the emperor's grant and mere favour. On the other side, his imperial majesty obliged himself to resign the claim of investitures, to leave the Church to her freedom, and not lay hands upon any part of her patrimony, which was not a fee of the empire.

This agreement was but of short continuance; for the emperor, it seems, when he came to Rome, broke the articles, and seized the pope. And what was the consequence of this surprise I have mentioned already.

Callistus II., pope Paschal's successor, was more fortunate in the management of this controversy, and put a

period to it at the council of Lateran, held in the year 1122. HENRY I. K. of Eng. Pope Calistus II. puts an end to this controversy. Baron. ad An. 1122. tom. 12.
 It was adjusted upon this plan: that the election of bishops in the emperor's hereditary dominions should pass under that prince's notice, but without being overruled either by force or bribery; and in case the electors could not agree, the emperor was to advise with the metropolitan and his suffragans, and declare for that party which appeared best founded; and when the bishop was chosen, he was to receive investiture for his temporalities by the emperor's delivering him a sceptre. But in other parts of the empire, a bishop was not obliged to receive investiture, with the solemnity above-mentioned, till six months after his consecration.

"By this council," as the learned De Marca observes, De Marca, l. 8. c. 21. p. 433.
 "homage and the oath of allegiance are struck out; though," as he continues, "neither the princes of France, Germany, or England, took any notice of this revocation, but required them of their bishops as before." And as for the oath of allegiance, pope Innocent III., in the great council of Lateran, declared it reasonable that bishops, who held their temporalities of princes, should give them the satisfaction of an oath for their good behaviour. Id. p. 434.

To go on: this dispute about investitures seems to have been rightly accommodated by the plan agreed on between pope Paschal and our king Henry, already mentioned; by virtue of which, the king was to resign the investitures, and receive homage, which was no more than a just acknowledgment; for, since the baronies and civil privileges annexed to the sees are derived from the crown, it is highly reasonable the bishops should give the prince the common securities of a subject, and be bound to the services incident to such honourable tenures. Id. p. 435.

On the other side, the delivery of the ring and pastoral staff seems to imply a conveyance of holy character, and gives countenance to a dangerous mistake; as if the king was the fountain of spiritual jurisdiction, and the bishops, like officers of state, had all their authority from the crown; which supposition destroys the independency of the Church, wreasts the government of her own body from her, and makes void the commission of our Saviour to the apostles and their successors. 303. An equitable temper between the mitre and crown agreed to by king Henry I.

And that which fortifies the supposition, and brings the case to a farther hardship, is, that the bishops were not to be consecrated till they had passed the ceremony of the ring and pastoral staff. Now, the making this investiture from the civil magistrate, prior to consecration, supposes the king's assent necessary to the being of a bishop; so that, without the royal concurrence, no person can take that office and jurisdiction upon him. That princes, as members of the Church, have an interest in the election of bishops, is beyond question: that is, they have a right (with the rest of the laity) to object against the defects and disqualifications of the person; and if their exceptions are allowed by the canons, and well proved, the candidate ought to be refused. But if the assent of the prince is absolutely necessary, if he has the privilege of a negative vote, and may stop the election at pleasure; from hence the consequence will be, that it will be in his power to keep the sees always vacant, and suppress the episcopal order. Upon this principle the whole hierarchy of bishops and priests may be quickly extinguished. For if the first order is suppressed, the second must be *populus virorum*, and fail in a short time; and when there are neither bishops nor priests, there will be no commission to govern the Church, nor administer the sacraments. And thus the new evangelical covenant will expire, the New Testament be repealed, and the grand benefits of Christianity be all lost.

How far the Church may sometimes comply, for the protection of the state, is another question: but then it should be remembered, that temporary concession and connivance, is a quite different claim from original right. And thus much for the business of investitures.

A. D. 1111. This year Juga Baynard founded the monastery of Dunmow in Essex, so remarkable afterwards for the story of the gammon of bacon³.

³ Dunmow, Magna and Parva, in Essex, eleven miles north of Chelmsford, thirty-eight from London, E., long. 25 min., lat. 51. 45. Dunmow-Magna, or Dunmague, is a name from two old Gaulish or British words, *Dunum*, a dry gravelly hill, and *Magus*, a town, which answers exactly to its situation, which is on the top of a moderately steep and gravelly hill, which renders it delightful and pleasant. It is of great antiquity; and though Camden seems to believe Bruntwood or Burghsted to be the *Cæsaromagus* of the Romans, yet there is much clearer evidence it was this Dunmague: 1st. because there is part of the name in it; and nothing was more usual with the Saxons, when they changed the names of towns, than to

The next year, Sampson, bishop of Worcester, departed this life. He was a prelate of considerable learning, and, according to the old English custom, famous for good HENRY I.
K. of Eng.
A.D. 1112.

retain part of the old Roman name, and put in Dun, Burgh, or Ceaster instead. 2ndly. because the distance between this place and the next station, which is Colonia, i. e. Colchester, (and is said to be distant from Cæsaromagus twenty miles,) does very well agree, if we reckon according to the Saxon leagues, which consisted of 1500 paces. 3rdly. because in the road from Dunmow to Colchester, which is very direct, are still in some places to be seen the remains of an old Roman way, which the country people who live on it to this day call The Street, and particularly at Rain, which is the very word almost by which Bede calls a Romish road, viz. *Strata*; and which we also find in an old perambulation, where it is said to be bounded on the north *super stratum ducentem a Dunmow versus Colchester*; i. e. 'upon the street leading from Dunmow to Colchester,' meaning this road. Dunmow-Parva, or Little Dunmow, adjoins Great Dunmow east. It gives name to its hundred. It is governed by twelve headboroughs, out of whom the bailiff is chosen yearly. Here is a good market, for corn especially, on Saturdays. Fairs, April 25th and October 28th. Here is a good manufacture of bays. In the priory here, began the custom, instituted by Robert, earl of Clare, or one of his successors, That he that repented him not of his marriage, either sleeping or waking, in a year and a day, nor had had any brawls and contentions with his wife, nor made any nuptial transgression within that time, and would take oath of the same before the prior and convent, and the whole town, kneeling on two hard-pointed stones (which are yet seen, they say, in the priory churchyard), should have a gammon of bacon delivered to him with great solemnity; after which he was wont to be taken up on men's shoulders, and carried, first, about that churchyard, and afterwards through the town, with all the friars and brethren, and all the townsfolk, young and old, following him with shouts and acclamations, with his bacon borne before him, and in such manner sent home. We find some had a gammon and others a fleck or flitch; for proof whereof are found the names of three several persons who at different times had it, viz., Richard Wright, of Bladsworth, in Norfolk, the 28rd of Henry VI.; Stephen Samuel, of Little Easton, in Essex, the 17th of Edward IV.; and Thomas Lee, of Coggeshall, in the 2nd of Henry VIII. This custom went not only on till the dissolution of the house, but still goes, it is said, with the manor, and the bacon was not only claimed fifty years since, but as all our printed newspapers gave account, no longer ago than June 26th last (1751), by "John Shakeshanks, woolcomber, and Anne, his wife, of the parish of Weatherfield, in the county of Essex, who appeared at the customary court of the manor of Dunmow-Parva, and claimed the bacon according to the custom of the manor, which was delivered to them with the usual formalities. This, they say, is the only claim made since 1701. There were computed to be 5000 people from all parts to see the ceremony. The man was examined by a jury of men, and the woman by a jury of women. She declared that she never repented but once, and that was, that she had not married sooner. We have it from undoubted authority that the happy couple made upwards of 50*l.* by selling slices of it to gentlemen and ladies present, who were whimsically merry on the occasion." The old form of the oath was:—

You shall swear by custom and confession,
If ever you made nuptial transgression,
Be you either married man or wife,
By household brawls or contentious strife,
Or otherwise, in bed or at board,
Offend each other in deed or word,

RALPH,
Abp. Cant.

Malmsb.
de Gest.
Pontif. l. 4.
fol. 161.
Godwin in
Episc. Wi-
gorn.

*Ralph, bi-
shop of Ro-
chester
translated
to the see of
Canterbury.*

Eadmer
Hist. l. 5.
p. 109.

A. D. 1114.

housekeeping. Malmsbury blames him for taking Westbury from the monks, which had been settled on them by Wulstan, his predecessor. He was consecrated in June, 1097, and died this year, in May. He was succeeded by Theulphus, a canon of Baieux, nominated by king Henry, in December, 1113, in which year the city and cathedral of Worcester was burnt.

During the vacancy of the see of Canterbury, Ralph, bishop of Rochester, was, as it were, guardian of the spiritualities, managed the jurisdiction, and consecrated churches upon the lands of the archbishoprick, without consulting the bishops of the dioceses in which they lay. And thus the matter rested for five years. At last, the king, being solicited by the pope and monks of Canterbury, convened the bishops and temporal nobility at Windsor, to consult about the choice of an archbishop. Ralph, bishop of Rochester, the prior of Canterbury, and some of the monks, of whom Eadmer was one, were summoned to court upon this occasion.

The bishops, at first, endeavoured to set up a secular clergyman; but, at last, were persuaded to waive that point, and pitch upon one of the monastick order. The king designed to promote Faricius, abbot of Abingdon; but, perceiving the prelates were unanimous for Ralph, bishop of Rochester, he complied, upon condition the monks and burghers of Canterbury would consent. The election was, upon trial, easily carried by this party; and Ralph made a magnificent entry into Canterbury, and was received with great demonstrations of welcome.

The diocese had now great expectations of an agreeable governor; but Ralph dismissed the officers of the courts, and put in his own creatures and domesticks. This change

Or since the parish clerk said Amen,
You wished yourselves unmarried again,
Or in a twelvemonth's time and a day,
Repented not in thought any way;
But continued true, and just in desire,
As when you join'd hands in the holy choir;
If to these conditions, without all fear,
Of your own accord, you will freely swear,
A whole gammon of bacon you shall receive,
And bear it hence with love and good leave:
For this is our custom of Dunmow well known:
Though the pleasure be ours, the bacon's your own.

in the administration balked the Kentish-men, and sunk his reputation in some measure.

HENRY I.
K. of Eng.

And now the king preparing for a voyage into Normandy against the French, was willing to leave the English affairs well settled. To this purpose, amongst other things, he filled up the vacant abbacies. If these preferments had not been all disposed of to foreigners, Eadmer is of opinion the matter would have been better regulated; but it seems the old English were in so great disfavour at court, that no distinction of learning, no commendation of conduct, no sobriety of behaviour, were sufficient to recommend them. Their Saxon extraction was blemish enough to make them refused. Whereas, a moderate share of capacity and improvement would make a Norman pass muster.

The English admitted to no preferments in the Church.

Eadmer,
p. 110.

About this time, Joffrid, abbot of Croyland, began a custom of discipline, which was afterwards, by his order, continued upon the abbey. Upon Good Friday, the abbot, every year, stripping himself to the waist before the whole convent, was severely scourged: this precedent of austerity was afterwards copied by all the monks. It was done as an act of penance for their sins, and to make a more serviceable impression of the sufferings of our Saviour.

Pet. Ble-
sens, Con-
tinuat. Hist.
Ingulph.
p. 129.

304.

About this time, Ernulph, abbot of Bourg, was promoted to the see of Rochester, and had the pastoral staff put into his hands by Ralph, archbishop of Canterbury. This Ernulph was chosen by the monks, clergy, and laity of the diocese, the king giving his consent. But what share each of these parties had in the election is not mentioned.

Eadmer,
Histor. l. 5.
p. 111.

This year, Thomas, archbishop of York, departed this life. Godwin reports him a considerable benefactor to his Church; that he founded two prebends; furnished Hexham with canons regular; bought several estates, and settled them upon the canons of Southwell, procuring the same privileges for them with those of Ripon, Beverley, and York. About this time the town and cathedral of Chichester was burnt; the last was quickly rebuilt by the interest and munificence of Ralph, bishop of that diocese.

Godwin in
Eboracens.

Notwithstanding the see of Canterbury was filled, yet the pall being not received, the archbishop was thought unqualified for part of his function. To remove this impediment, the bishops of the province, and the Church of Canterbury,

Malms. de
Gest. Pont.
l. 2. f. 146.

The pall sent him from Rome.

RALPH,
Abp. Cant.

sent commissioners to the pope to notify the election, and to entreat his holiness to send the pall, and not to insist upon the archbishop's personal attendance; suggesting, that his health could by no means hold out under the fatigue of so long a voyage, and that the province would suffer great inconveniency by his absence.

Eadmer,
ibid.

The English agents were at first very coldly received at the court of Rome, till Anselm, abbot of St. Saba, and nephew to archbishop Anselm, espoused their cause. By this abbot's interest the pope was mollified, and sent him into England with the pall. When Anselm came to Canterbury, he was received by the monks of both the convents, in procession. He was likewise met by the archbishop, attended with the suffragans. The pall being laid upon the altar of Christ's-church, the archbishop took it from thence, having first made a profession of canonical obedience and fidelity to the pope.

Eadmer,
p. 113.

The reason of the court of Rome's being disgusted with the English agents, may be collected from two of the pope's letters. In one of them, directed to the Church of Canterbury, he acquaints them, "that though their commissioners were unexceptionable, their business was not so; that the translation of the bishop of Rochester to the see of Canterbury, without pre-acquainting his holiness, was too hardy a step, and utterly unjustifiable by the canons. However, in consideration of the worth of the person translated, he should pass over this presumption."

A. D. 1115.
*The pope's
expostula-
tory letters.*

His other letter to the king is likewise penned in a very expostulating strain. After the usual ceremony of salutation, and giving his blessing, he lets the king know, "that since God has blessed his highness so signally with peace, plenty, and success, he is very much surprised to find so little regard paid to St. Peter in his dominions; for neither any nuncio, or letters sent from the apostolick see, could make their way, or receive any countenance in his kingdoms, without his majesty's order. That there were now no application, no appeals, no recourse for justice made from thence to St. Peter's see; that, upon the score of those omissions, the government of the Church was disturbed, a great many uncanonical ordinations ventured upon; and those who, by their station, were to correct the irregularities of others,

were a precedent of misbehaviour themselves. That he had hitherto borne with this mismanagement, in hopes the king would have put a stop to it; and here he desires to know, which way the king could suffer in his honour, or in any other branch of his interest, by his subjects paying a just deference to St. Peter?" The observance of the king's predecessors to the apostolick see, made his holiness take the present neglect the more unkindly: and here he mentions several English kings going in pilgrimage to Rome, and ending their days there. At the close of the letter, he takes care to put the king in mind of the Peter-pence; complains they were ill-collected; charges the king with that mismanagement, and puts him upon rectifying the case, in very lively expressions: however, he mentions the Peter-pence in terms of truth and modesty, calls them *Eleemosyna Beati Petri*, or bounty money, given for St. Peter's sake, and does not, like the annalist Alford, pretend it a tribute from the English crown.

HENRY I.
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Eadmer,
l. 5. p. 113.

The reason the pope complained of the non-admission of his legates, was, because that character had been insignificant in England for some time: for Guido, archbishop of Vienne, was not acknowledged, as has been already observed; neither was Anselm, and several that came after him, more successful in their negotiations; though, as to their private interest, they greatly advanced it. For this reason, the court of Rome dispatched their agents very frequently into England; but the king was so cautious as to disappoint them in their design: he would not suffer the old customs to be set aside, nor own any person as legate, excepting the archbishop of Canterbury. And, as for the delegates from Rome, they were contented to waive their commission, and let their authority lie by, in consideration of a sum of money.

The Roman
legates not
owned in
England.

Their
avarice.

Malmsb. de
Gest. Pont.
l. 1. f. 131.

This year, about the middle of September, the king summoned all the bishops, and temporal nobility, to his court at Westminster, which gave an expectation of a provincial council: but the king, it seems, had nothing of that in his view. However, there were some ecclesiastical matters debated; for when the convention was met, Anselm, the legate, who brought the pall to Canterbury, delivered a letter from the pope to the king and bishops, with the following contents:

305.

RALPH,
Abp. Cant.
*Pope Pas-
chal's letter
to the king
and bishops.*

“ Paschal, bishop, servant of the servants of God, to the illustrious king Henry our dear son, and to the bishops of the kingdom of England, greeting, and apostolical benediction. In what manner the Church of God was first founded, is not necessary for us to discourse at present; the history of this matter being plainly set forth in the Gospels, and writings of the apostles; but then as to the methods of preserving the Church, that affair is to be referred to our advice and prosecution; for the Holy Ghost, speaking to the Church, declares, ‘ instead of fathers thou shalt have children whom thou mayest make princes in all lands.’ Now, with reference to this designation of governors, St. Paul commands St. Timothy, ‘ to lay hands suddenly on no man, nor be partaker of other men’s sins.’ Which precept of the apostle is thus expounded by St. Leo: ‘ What is the meaning of sudden laying on of hands? It is the giving the sacerdotal character at peradventure, before people are of age for that honour; before they have past the test of a proper examination; before they have any pretence of merit, or any experience to qualify them for the post they are put into. Which way, therefore, can we be in a condition to confirm the character of the English bishops, when we have no information sent us, either of their life or learning? Our blessed Saviour, who is the head of the Church, when he recommended that holy society to his principal shepherd and apostle, St. Peter, delivered his charge in these words: ‘ feed my sheep, feed my lambs.’ Now, by the sheep in the Church, are meant the governors of it, who, by the grace of God, are qualified to increase their number, and propagate a spiritual issue. But which way is it possible for us to feed either the lambs or sheep, when we are perfect strangers to them? When we have never so much as heard of them, nor, it may be, they of us? Which way, as things stand, are we capable of putting in practice this command of our Saviour to St. Peter, ‘ strengthen thy brethren?’ Our blessed Lord gave his disciples a commission to instruct the whole world; but then the European nations were more particularly St. Peter’s and St. Paul’s jurisdiction; and those conversions which could not be effected by them in person, were carried on by their disciples and successors. And thus the custom and authority has been

handed down to us, their unworthy successor, that the more weighty business of the Church should be managed or reviewed by the prelates of our see. But you, notwithstanding the premises, have settled the business relating to bishops, without so much as consulting us; and yet the martyr, pope Victor, has determined, 'that notwithstanding it is lawful for the bishops of a province to examine the impeachment of one of their order, yet they are not allowed to make any decision without application to the bishop of Rome.' Pope Zepherinus likewise, who was a martyr, declares, 'that the trial of bishops, and other business of the greatest consequence, was to be reserved to the cognizance of the apostolick see;' but you will not suffer the oppressed to make their appeal to us, notwithstanding it is decreed by the holy fathers in council, that all persons aggrieved should have the privilege of appealing to the Roman see. You venture to set your conscience aside, and meet in councils upon your own authority; though Athanasius, bishop of Alexandria, has otherwise informed you. 'We very well know,' says this father, 'that in the general council of three hundred and eighteen bishops at Nice, it was unanimously resolved, that no councils ought to be held without pre-acquainting the bishop of Rome.' This decision has been since confirmed by several holy popes, who have annuled all councils otherwise managed or concerted. You see, therefore, you have very much failed in your regards, and encroach on the authority of the holy see; and that it is part of the duty of our station, to be satisfied in the merit of the person, before we bestow the episcopal character upon him, lest, by laying on our hands suddenly, we contradict the apostle's command, 'and make ourselves partakers of other men's sins:' 'for,' according to St. Leo, 'he that promotes an unworthy person to the dignity of a bishop, is very injurious to himself.' But you have been so hardy as to make translations of bishops without any application to us. This liberty, as we very well know, is altogether unwarrantable; the regulation of such affairs being not to be undertaken but by an authority from the holy see of Rome. However, if for the future, you are willing to pay due deference to the apostolick see, we shall treat you as brothers

HENRY I.
K. of Eng.

RALPH,
Abp. Cant.

306.

A. D. 1115.
Eadmer,
Histor. l. 5.
p. 114.

*Brief re-
marks upon
the pope's
letter.*

and sons, and oblige you with any favours which are proper and practicable. But in case you resolve to persist in your obstinacy, we shall then, like the apostles, 'shake off the dust' of our feet against you; and, looking upon you as revolvers from the Catholic Church, consign you over to the Divine vengeance: 'for,' as our Saviour declares, 'he that gathereth not with me scatters, and he that is not for me is against me.' God Almighty so preserve you in his favour, through the mediation of our communion and government, that at last you may have the enjoyment of the unchangeable unity of the blessed Godhead."

I have translated this letter at length, because of the remarkableness of it; for from hence it appears that the English prelates held councils, and managed the discipline and government of the Church within themselves; and in case of contest, they looked upon a national synod as the last resort of justice. The matter was determined at home; there was no appeal in such cases, nor any recourse to a foreign authority. The suffragans, at their consecration, made only a profession of canonical obedience to their primate, without any reservation of submission to the pope: neither does it appear that any sees, excepting those of York and Canterbury, made any acknowledgment to his holiness: neither was any English prelate obliged to attendance at Rome, except the two metropolitans, who were to go thither for their pall.

It is true the pope complains of this independent management; his expostulations run high, and his claims are very magnificent; but when he comes to make out his title, his proofs are defective; his testimony from the council of Nice is counterfeit; but this is not the first time that the Nicene synod has been misreported by the bishops of Rome. To proceed: the pope founds the main pillar of his authority upon the decretal epistles of his predecessors. Now, to make this good evidence, it should be proved, in the first place, that the popes who published these decretal epistles, were the legislative power of the Church, and had sufficient authority to declare their own privileges; for, without all this prerogative in their character, they might probably lay claim

to more than was their due; but to prove the bare affirmation of a pope, a sufficient evidence of his right, is, I conceive, no HENRY I.
K. of Eng.
easy task to perform. But,—

Secondly,—Supposing this difficulty surmounted, unless the records are good, and the decretals belong to the popes pretended, the title must necessarily sink, and the cause miscarry. Now, that the decretal epistles are mere forgeries is unquestionably evident; for, first, the barbarity of the language does by no means agree with the politeness of the age they pretend to: besides, the uniformity of style, and the same obsolete manner, is an argument they were not the letters of several popes, but patched up by some single author. Farther, the Scriptures are frequently cited in the vulgar translation, which is a demonstration they were counterfeited after St. Jerome's time. To go on: neither St. Jerome, the popes Innocent and Leo I., knew anything of them; and, which is more, they are all left out by Dionysius Exiguus, who about eleven hundred years since made a very exact collection of the popes' epistles. Now this author begins his collection with Siricius, who was not pope till the latter end of the fourth century. To which we may add, that some passages in the Theodosian code are cited in these pretended decretals, though it is certain the popes, to whom they are said to belong, lived two or three ages before the Theodosian code was ever published.

De Marca
de Concord.
Sacerd. et
imper. l. 3.
c. 5. sect. 1.

Anton. Au-
gustin. in
Notis ad
Capitula
Hadrian.

These objections are so insuperable, that Bellarmine had not the courage to maintain the authority of the decretal epistles against them, though he yields unwillingly, and is somewhat ambiguous in his acknowledgment. But Baronius is more clear and ingenuous, and gives them up in plain terms. Thus we see pope Paschal's authorities will by no means bear the test. However, it is possible this prelate, living in a less enlightened age, might not be apprized of the spuriousness of these records, for I am not willing to lay so gross an imputation upon his sincerity; but then, what he gains in his honesty he must lose in his understanding, and his infallibility is utterly sunk in this charitable construction.

Indubitatas
esse affir-
mare non
audeam.
Bellar. de
Rom. Pont.
l. 2. c. 14.
Baron. An-
nal. ad An.
865. sect. 8.
Baronius
and Bellar-
mine give
up the de-
cretal epi-
stles.

The king was somewhat shocked by the pope's letter, and sent for the bishops for their advice, upon this and some other points, in which the court of Rome had given

RALPH,
Abp. Cant.

Eadmer,
Histor. l. 5.
p. 116.

*The bishop
of Exeter
sent ambas-
sador to
Rome.*

Eadmer, ib.
307.

In Episc.
Exonien.

*Bernard,
bishop of St.
David's lays
claim to me-
tropolitan
jurisdiction.*

Eadmer, ib.

dissatisfaction. For instance; the pope had lately made cardinal Cono his legate, and sent him into France. This legate holding several provincial councils in that kingdom, suspended the bishops of Normandy for not appearing at the synods upon his third summons; and it seems, at last, he made use of the utmost rigour, and proceeded to excommunication. The king was much disturbed at this censure, and complained the pope had broken with him, and seized the privileges formerly granted to his father, his brother, and himself. By the way, the bishops of Normandy refusing to make their appearance at the legate's summons, and standing the censure of excommunication, is an argument they did not think themselves bound to such attendance. Things being thus perplexed, the English bishops advised the king to send an embassy to Rome, to expostulate upon the occasion. This advice was followed, and William, bishop of Exeter, being a person well known to the pope, was dispatched thither; and though this prelate was blind, yet having formerly served to satisfaction under that character, the king refused to excuse him from the employment. And, notwithstanding Eadmer does not relate the event of this embassy, yet by Paschal's silence upon some heads, we may conclude the bishop partly succeeded in his negotiation; that the pope dropped something of his pretensions upon the English Church, and left the prince and clergy to the election of their own bishops; and thus, as bishop Godwin reports, by the dexterity of this prelate's conduct, misunderstandings were removed and matters adjusted.

This year Bernard, the queen's chaplain, was consecrated by the archbishop to the see of St. David's; the earl of Mellent would have had the consecration performed in the king's chapel, alleging a custom for that purpose. The archbishop denied the allegation, insisted that Canterbury was the place for that ceremony, and positively refused to consecrate in the king's chapel. The king let the earl know he was mistaken; that it was no part of the prerogative royal to confine the archbishop of Canterbury to a place; but that he was at liberty to consecrate his suffragan where he pleased. At last, the queen being desirous to be present at the solemnity, the consecration was performed at West-

minster Abbey, about the middle of September. And here **HENRY I.**
Bernard made a profession of canonical obedience to the **K. of Eng.**
 see of Canterbury, before the archbishop and six suffragans:
 it is somewhat odd, therefore, that after the archbishop's
 death, he should deny his submission, set up for metropoli-
 tical and independent jurisdiction, and prosecute his claim
 at the court of Rome. But this dispute having been touched
 already, and being likely to come up afterwards, I shall
 mention it no farther at present.

Godwin in
 Episc. Me-
 nevena.

See book 3.
 ad Ann.
 982. above.

The next remarkable occurrence is the death of Reinelm,
 bishop of Hereford. Malmsbury gives this prelate a good
 character, and represents him as a person of great regularity
 and devotion. He was succeeded by Geoffrey of Dinan, or
 Ludlow, who was consecrated at Canterbury with Ernulph,
 bishop of Rochester.

De Gest.
 Pontif. l. 4.
 fol. 163.

Eadmer,
 p. 117.

*The death
 of Turgot,
 bishop of St.
 Andrews.*

Sub-Faus-
 tina. A. V.

This year Turgot, bishop of St. Andrews, departed this
 life; this prelate wrote the History of the Church and Bi-
 shops of Durham to the year 1097, of which there is an an-
 cient manuscript remaining in the Cotton Library. Simeon
 Dunelmensis, a Benedictine and precentor of Durham, who
 lived in the same age, made very bold with Turgot's per-
 formance, and leaving out some few passages relating to
 Turgot's person, transcribed his book, and published it
 under his own name. Notwithstanding the conjecture of
 Pits and Bale, it is plain Turgot wrote his Annals or His-
 tory in Latin; as for his panegyrical account of king Mal-
 colm and queen Margaret, that was most probably written
 in English.

Selden,
 Præfat. ad
 Decem
 Scriptores.

Alexander, king of Scotland, gave the archbishop of
 Canterbury notice of Turgot's death. In his letter upon
 this occasion, he puts the archbishop in mind, that, accord-
 ing to ancient custom, the bishops of St. Andrews were
 consecrated by none but the pope or the archbishop of
 Canterbury; that Lanfranc was the first who innovated in
 this matter, and remitted that part of jurisdiction to the see
 of York. The king declares his desire of restoring the
 church of St. Andrews to its ancient custom, and that the
 archbishop of Canterbury would assist him in that affair.

*King Alex-
 ander's let-
 ter to the
 archbishop
 of Canter-
 bury.*

What answer the archbishop returned, is not mentioned
 by Eadmer; however, it is certain the allegations in the
 letter were unsupported by matter of fact; the churches of

See Re-
 cords, num.
 19.

RALPH,
Abp. Cant.

Scotland having been for a long time under the metropolitical jurisdiction of the see of York.

*The bishops
promise to
stand by
William, the
king's son.
A. D. 1116.*

The next year, about the middle of March, the king convened the lords spiritual and temporal at Salisbury; for being now ready to embark for Normandy, in order to assist his nephew, the earl of Blois, against the French king, he was willing to provide against an accident; here, therefore, he put them in mind, that William, his son, by the queen, was next heir to the crown; upon this, the temporal nobility did homage to the young prince, and gave him the security of an oath. The bishops and abbots, though they did not go this length of submission, yet swore they would own his title, and become his homagers, in case they survived his father.

Eadmer,
p. 117.

*The contest
between
York and
Canterbury
revived.*

The see of York having been vacant for some time, was now filled with Thurstan, one of the king's chaplains. This Thurstan, it may be, presuming upon his interest at court, revived the old quarrel between the two metropolitical sees, and refused the profession of canonical obedience to the archbishop of Canterbury; for this singularity, his consecration was stopped; and the king being acquainted with the proceedings, gave him to understand that he must either make the customary submissions, or resign up all pretensions to his see. Thurstan chose the latter part of the order, and renounced the archbishoprick. But finding his figure sink, and a declension in the regard formerly paid him, he altered his mind, set sail into Normandy after the king to recover his post, and sent his agents to Rome to procure an interest at that court. Before this matter was determined, Anselm, above mentioned, came from Rome to the king, in Normandy, and produced a commission from the pope for legate in England. The bishops and temporal nobility were somewhat surprised at this news, and met at the queen's court in London to deliberate upon proper measures. They decided, that the archbishop of Canterbury should wait upon the king in Normandy, and acquaint him with the customs and privileges of the kingdom, and go on to Rome, if his highness thought fit, to remonstrate against these encroachments.

308.

Eadmer,
p. 118.

*The arch-
bishop of*

The archbishop agreed to this resolution, embarked for Normandy, found the king at Rouën, and, by his highness's command, takes a journey to Rome to complain of the innovation of a legate.

order, set forward to Rome. As for Anselm, the king would not suffer him to pass in his legatine character into England. However, he entertained him honourably at his court. The archbishop Ralph, as Eadmer reports, who went in his train, travelled with a numerous and splendid retinue, and was received with an extraordinary regard in his passage through France and Italy.

HENRY I.
K. of Eng.

Ibid.
A. D. 1117.

About this time, the contest between the pope and the emperor, about investitures, ran very high. The pope, upon the emperor's march to Rome, quitted the town, and retired to Beneventum. The archbishop, perceiving the roads obstructed, and his own health in no good condition, stopped at Rome, and gave the pope notice of his coming, and the reason of his journey. After some short stay, the messengers returned with a letter to the king and the English prelates; and here the pope declares, that he had no intention to lessen the dignity of the see of Canterbury, but that all the privileges of that archbishoprick, from Augustine to Anselm, should be inviolably preserved.

"This letter," as Malmsbury well observes, "stands aloof in generals, and determines no point. Had the pope," says he, "been particular and precise, mentioned the privileges of the see of Canterbury in question, and confirmed them upon the recital, the controversy had been at an end; but by expressing the matter in gross, he left the affair no less perplexed than before. Thus well practised," says he, "is the court of Rome in the methods of policy and finesse. They seem not to consider the trouble of a remote journey, but give ambiguous answers, and spin out the cause when their own interest is served by it."

Baron. ad
An. 1117.
sect. 10.

*The pope's
answer ge-
neral and
undecisive.*
Malmsb. de
Gest. Pon-
tif. l. 1. fol.
131.

The archbishop having received the pope's letter, left Rome, and made some stay at Sutri, there being an expectation the pope would shortly return. But this news being quickly contradicted, and the archbishop having no hopes of seeing his holiness, travelled back to Normandy, and waited on the king at Rouën.

Eadmer,
p. 120.

About this time the chapter of York, being desirous to disengage their Church from the usual submission to the see of Canterbury, sent delegates to pope Paschal, in behalf of Thurstan, the elect. These men, it seems, managed their business artfully enough, and gained the court of Rome

RALPH,
Abp. Cant.

to their interest, as appears by the pope's letter to the king, in which, after a general flourish upon justice, and a commendation of Thurstan for his prudence and fortitude, he complains of his being "thrown out of the archbishoprick of York without hearing or sentence. And that, therefore, he must be restored to his former station; and in case the sees of Canterbury and York have any dispute about privileges, he orders the parties to prosecute their claim before him, and promises an equitable determination.

Eadmer,
p. 121.

*The pope
seems par-
tial to
Thurstan,
elect of
York.*

But what reason had the pope to complain that Thurstan was ill used, and turned out of his see without so much as having his cause heard? For what need was there of a trial, when Thurstan had voluntarily quitted his interest, and solemnly renounced his see before the king and the archbishop of Canterbury. If the pope was informed of this circumstance, there is nothing to be said for him; we will therefore suppose him unacquainted with the case, and that Thurstan's agents had misreported the matter; but then does he not seem to be over credulous in pressing so early for Thurstan's restitution, and giving judgment only upon the hearing of one side?

Eadmer,
p. 118.

Florent.
Wigorn.
Angl. Sacr.
pars. 1. p.
433.

*The death of
pope Pas-
chal,
A. D. 1118.
and of his
successor
Gelasius.*

This year Robert of Lymesy, bishop of Coventry, departed this life. He was consecrated bishop of Chester in the year 1086, and removed his see to Coventry in 1102.

While the archbishop of Canterbury staid at the court in Normandy, pope Paschal died, and was succeeded by John, a monk of Montcassin, Paschal's chancellor, who took the name of Gelasius II. The emperor, upon notice of the pope's death, made a speedy march to Rome, set up one Burdin, bishop of Brachara, who had been lately excommunicated, against Gelasius, and called him Gregory; upon this competition, Gelasius was forced to quit the town and retire into Burgundy. He designed to have held a council at Rheims, but died upon the way, at Clugni. Some little time before his death, the archbishop of Canterbury sent his agents to him, to sound his inclination about Anselm and Thurstan, of York. These commissioners, at their return, made an unsatisfactory report of their negotiation; and that the pope designed to make use of several methods that were altogether new and unheard of in the present age; but what

Multa Nova
et inaudita facturum. Eadmer, p. 123.

these unprecedented expedients were, Eadmer is so modest HENRY I.
K. of Eng. as not to mention. However, by the circumstances of the story, we may conclude, part of the design was to settle a foreign legate, and make some farther attempts upon the liberties of the English Church.

This year, in the beginning of summer, Maud, queen of England, died at Westminster; she was a princess of such admirable qualities, that Eadmer reports her death a calamity to the whole nation. Malmsbury represents her as a person of exemplary devotion, of great sobriety of conduct, and of a very obliging and charitable temper; that she went a great length in discipline and austerities; that she used to wear sackcloth under her court dress, and go barefoot to church in Lent; that she used to wash the feet of poor cripples, dress their ulcers, and served them at table. She was, likewise, a great encourager of church musick, and very liberal to men of learning, both natives and foreigners. She built an hospital for lepers in St. Giles's, and another for poor people maimed, at a gate in the city, since called Cripple-gate, from that benefaction. In both these places she maintained the poor with diet and clothes. She likewise founded a priory, near Aldgate, for canons regular. She was a great benefactress in the ornamenting of churches; and in this respect foreigners, as well as the English, were sensible of her pious munificence. Witness the pair of golden candlesticks she sent to the cathedral of Manne, for which Hildebert, bishop of that diocese, returned her thanks; his letter is penned with a great deal of genius, though it may be not without some few strokes of singularity; I shall translate it for the reader.

*The death of
Maud, queen
of England.*

309.

Her character.

*Malmsb. de
Henric.
Prim. l. 5.
p. 93.*

*Mat. Paris.
Hist. Angl.
p. 67.*

“ To the most illustrious queen of England, &c.

“ To be alway exact in the bestowing of benefits is a task of great difficulty. Persons in high stations are often unpractised in this critical management: they reckon it an instance of greatness and commendation to oblige even the undeserving. Your highness's favour has something of the generosity of this kind in it. You do not love to examine too rigorously into the merit of those you oblige; and as for myself I am almost overset with the greatness of the favour and obligingness of the manner. The present is extra-

*The bishop
of Manne's
letter to the
queen.*

RALPH,
Abp. Cant.

ordinarily rich, both in the materials and the work; but the value of it is very much raised by the quality of the person it comes from; and, in my opinion, the queen has given it an improvement beyond the advantages it received either from nature or art. And, granting the metal, the bulk, and the work, had fallen much short in curiosity and value, yet I should have received it with the same satisfaction that the deities are said to receive their incense and other sacrifices. Now these superior powers regard the affection more than the expense, and are better pleased with the devotion of the person than the richness of the offering. Innocence and virtue are the only qualities that make an impression upon these great beings. A farthing, under such preparations, is sufficient to procure a blessing, and goes much farther than a vast sum without them. Thus, pardon the comparison, your highness's noble disposition heightens the favour very much in my esteem. The present does not shine so much in the lustre of its own metal, as in the generosity of the great person that sent it: a person that takes a pleasure in obliging others, and wants no prompter to acts of piety and munificence. To be surprised in this manner, without the trouble of begging, or the delays of expectation, adds a grace to the obligation. From hence, likewise, your highness has given me a very acceptable proof of your devotion, and that you are willing to furnish materials for the service of those holy sacraments which you cannot administer upon the score of your sex; in doing this your highness imitates those holy women, who first brought their tears to our Saviour's cross, and afterwards their aromack compositions and perfumes to his sepulchre. Thus their pious zeal made them shew their sympathy and their service as far as they were able. Your highness likewise does not forget to be present at the grand solemnities of Christianity: you make part of the congregation when our Saviour's sufferings are commemorated in the sacraments. You assist at the worship, and furnish lamps for the holy service; and though the instance of duty is somewhat different, the devotion is the same.

“ There are two things which I suppose you design to suggest to the bishop, and that is, neither to forget your highness nor his own character. As to the latter, the pre-

sent puts me in mind significantly enough, to exert myself HENRY I.
K. of Eng. for a good example, and let my light shine before men. I shall take care, therefore, to profit by the hint, and live up to the emblematick instruction. Indeed, there is scarce any part of nature but has something of mystery and precept in it, and would help us to improve our morals if rightly read and examined. But then, as to what relates to yourself, you are so much lodged in my memory and esteem, that it is impossible to forget you. The idea of your goodness will never be worn out; and though I am a sinner when I approach to the altar, yet, since I am a priest too, I hope I may be somewhat serviceable. And here, most illustrious queen, your present will be both furniture to the occasion, and refresh the memory of the bishop that officiates.

Farewell.

Hildebert.
Epist. 16. in
Biblioth.
Patrum,
tom. 12.
pars 1. fol.
315.

After the queen's death, this bishop, being desired to pray for her soul, sent the following answer into England:

310.

“To form conjectures upon the future from things past is no ill way of arguing. From this topick we hope for a lasting friendship from you, because we perceive it is not your custom to throw your affection for your friends into their grave after them. The pious regard you express for your deceased queen confirms me in this comfortable opinion. You do not think it respect enough to pray for her yourselves, unless you engage others in the same charitable office. Though, after all, I believe she is rather in a condition to benefit us with her intercessions, than to stand in need of the assistance of ours; for I must frankly tell you, that she was a princess of so happy a conduct, as not to suffer any damage by the disadvantages of her station. She was proof against the temptations of wealth and power, neither did the pleasures of a court life make any unserviceable impressions upon her. She was gold, without alloy; and all virtue, without blemish or abatement. And though this manner of living goes safe into the other world, and leaves nothing to the charity of friends, yet, out of a desire to pay a regard to the princess deceased, we have performed the matter of your request before you asked it. For we cannot be too forward in this business; and he that does

The bishop
of Manne's
second let-
ter.

RALPH,
Abp. Cant.

not serve her for her own sake is ungrateful to her memory. Did we require prompting and solicitation, we should do nothing towards a return. For he that is only proxy to another in requiting a favour, can discharge no part of his own debt: and, indeed, not to remember the queen in these offices upon the first occasion, is to fall short of justice to her merit, and to think upon her too late."

Hildebert.
Epist. 48.
in Biblioth.
Patr. tom.
12. par. 1.
fol. 329.

This princess had the respect of a publick funeral, and was interred at Westminster. The poet, in his epitaph upon her, commends her from the advantages of her birth and person, from the equality of her temper, from her disengagement from the world, &c. Part of it runs thus:

*O regina potens Anglorum linea regum,
Scotos nobilitans nobilitate tua.*

*Prospera non lætam facere nec aspera tristem;
Aspera risus ei, prospera terror erant.
Non decor effecit fragilem, non sceptrum superbam,
Sola potens humilis, sola pudica decens.
Maii prima dies nostrorum nocte dierum
Raptam, perpetua fecit inesse die.*

Huntingt.
Histor. l. 7.
fol. 218.
Petr. Ble-
sens. conti-
nuat. p. 129.
Martyr.
Anglic. 30th
April.

She had the honour of a saint paid to her memory, the 30th of April being appointed for the solemnity.

Part of the
nobility of
Normandy
revolt from
king Henry.
Eadmer,
l. 5. p. 122.

Soon after the queen's death, a great part of the nobility of Normandy forgot their oath of allegiance, as Eadmer complains, and revolted to the king of France. But it is probable they might think themselves under an unlawful engagement to king Henry, that duke Robert was wrongfully dispossessed, and that, since the father was kept prisoner in England, they were bound to recover the duchy for his son William. It is certain it was partly upon this pretence that Lewis, king of France, declared war against king Henry, and prevailed with the Normans to join him. King Henry seems to have been unwilling to put the dispute upon a battle; and therefore, when it was told him the king of France had entered Normandy, he seemed not to take much notice of the invasion, imagining the enemy would be em-

Alford An-
nal. vol. 4.
p. 265.

barrassed in their march, and the storm spend itself in a little time; but when the king found his army somewhat impatient, and eager to engage the enemy, he thought it necessary to moderate their heat by representing to them, “that since they had given him so many proofs of their loyalty, they need not wonder to find him very loath to hazard their persons; that it would be a great wickedness to be prodigal of the blood of such brave men, and enlarge his dominions by the loss of those who were so forward in venturing their own lives to preserve their sovereign. That since they were his native subjects, and bred under the protection of his government, he thought it the part of a good prince to arrest their motion, and keep them from sallying upon danger without necessity.” This was a good-natured and Christian speech, and looks as if ambition had not governed him so far as to make him undervalue the lives of his subjects. But afterwards, when he perceived this conduct misinterpreted to cowardice, and that king Lewis plundered and burnt the country, and was advanced within four miles of the English court, he awakened his courage, took the field, and gave the French a considerable defeat near Rouën.

HENRY I.
K. of Eng.

*His speech
to his troops.*

Malmsb. de
Henric. 1.
l. 5. fol. 90.

Malmsb. ib.

About this time the order of the Knights Templars began. The manner of it was thus: some religious gentlemen put themselves under the government of the patriarch of Jerusalem, renounced property, and undertook the vow of celibacy and obedience, like the canons regular. There were but nine of this order at first, the chief of which were Hugo de Paganis and Geoffrey of St. Omers. These religious having neither house nor church belonging to their society, king Baldwin gave them an apartment in his palace, which stood over-against the south gate of the church dedicated to our Saviour. The canons of this church gave them part of their street adjoining, upon certain conditions, either of rent or service. They had likewise land settled for their maintenance by the king, the patriarch, and the nobility. The business of their character, enjoined them by the patriarch and the other bishops, was to guard the roads for the security of pilgrims. For the first nine years they were confined to the number of nine; after this term there was a rule drawn up for them at the council of Troyes, and a white habit

*The institution of the
order of
the Knights
Templars.
A. D. 1118.*

311.

RALPH,
Abp. Cant.

assigned them by pope Honorius II. And now their number was left at liberty, and their estates began to improve. About twenty years after, in the popedom of Eugenius III., they had red crosses sewed upon their cloaks, as a mark of distinction; and in a short time their number was increased to about three hundred knights in their convent at Jerusalem, besides abundance of their fraternity in other places. Matthew Paris reports, they had great estates in all parts of Christendom, and that their funds exceeded the revenues of many princes; that they were called Knights Templars because their first house stood near the church dedicated to our Saviour at Jerusalem. They kept up to the design of their institution for some time, but were very much degenerated when this historian wrote: "for now," says he, "they are revolted from their primitive discipline; they refuse submission to the patriarchs, their first benefactors; detain parochial tithes, and are grown troublesome to all sort of people."

Guliel. Tyr.
de Bello
Sacr. l. 12.
c. 7.
Matth. Paris, Hist.
Angl. p. 67.
Baron. Ann.
ad An. 1118. sect.
36.

Baron. Ann.
ad An. 1119. sect.
5.
Eadmer,
p. 123.

The English Church divided about owning the two popes, Calixtus and Gregory.

Eadmer, ib.
The council of Rheims.
A. D. 1119.
Eadmer,
p. 124.

After the death of Gelasius, that part of the cardinals and court of Rome that attended him into France, elected Guido, cardinal and archbishop of Vienne, for his successor. This prelate was a Frenchman, royally extracted, and had served pope Paschal, in the quality of legate, to great satisfaction. He took the name of Calixtus II. But, notwithstanding the advantages of birth, wealth, and station, which were all very considerable in this prelate, the other party bore up against him; and Gregory, as they called him, held St. Peter's chair at Rome, and performed the functions of that character.

The English Church was somewhat at a loss about this competition; some owned the one pretender, some the other, and some refused both: but, at last, the French and the king of England declared for Calixtus.

This pope, in the first year of his pontificate, held a council at Rheims, where the bishops of Exeter, Durham, St. David's, and Landaff were present. Ralph, archbishop of Canterbury, though at that time in Normandy, was forced to be absent upon the score of business and ill health.

This council, which was very numerous, made a farther provision against simony, against investitures by layhands: against seizing the revenues of the Church; against

bishops and priests settling benefices upon their relations, or posterity. They likewise forbad the clergy marriage, and the taking of any consideration for chrism, holy oil, christenings, and burials.

HENRY I.
K. of Eng.

Thurstan, elect of York, desired leave to go to this council, which the king would by no means grant, till he had solemnly promised not to solicit the pope for anything prejudicial to the see of Canterbury, nor to receive consecration from his holiness upon any consideration whatsoever. And, to secure this point the better, the king sent Siefrid, the archbishop of Canterbury's brother, ambassador to the pope, to put him in mind, neither to consecrate Thurstan himself, or suffer him to be consecrated by any other person, excepting the archbishop of Canterbury: and that, if things were otherwise carried, he would never suffer the elect of York to live in any part of his dominions. The pope gave the ambassador an assurance of clear dealing, and that he would do nothing to the disadvantage of the see of Canterbury.

Baron. An-
nal. ad An.
1119. tom.
12. sect. 12
et 13.

And now one would have thought the business had been well guarded: but it seems Thurstan broke his word, bribed the pope's court, and prevailed with his holiness for his consecration. The king's ambassador and Ralph's agents were much surprised at this turn: and when everything was prepared, and the office ready to commence, John, archdeacon of Canterbury, stepped up to the pope, a great many bishops and other persons of quality being present, and remonstrated, that this solemnity ought to be performed by the archbishop of Canterbury, and that his holiness had no authority to deprive that see of her privilege. The pope answered, that he designed no manner of injury to the see of Canterbury. This was looked upon as a very unsatisfactory reply; that it was plainly no better than *protestatio contra factum*, saying one thing and doing another. These proceedings had so odd a complexion, that Hubald, archbishop of Lyons, ventured to disobey the pope's order, and would by no means appear at the consecration.

Thurstan
and Calixtus
prevaricate.

When the king was informed of this management, he forbad Thurstan and his family returning into any part of his dominions.

Eadmer,
p. 125.

Not long after, the pope and the king had an interview

RALPH,
Abp. Cant.

*An inter-
view be-
tween the
pope and
king Henry.*

312.

Malmsbur.
l. 5. fol. 90.

at Gisors, upon the confines of Normandy. Malmsbury relates, his holiness was much disgusted with the king, and expostulated sharply with him, for keeping his brother Robert prisoner, who had distinguished himself so handsomely in the holy war. But the king, as this historian goes on, quickly softened him to silence, by making a colourable defence: for rhetorick has a strange force, and is apt to change the appearances of things, especially when it is backed with presents, and speaks strongly from the pocket.

Ordericus Vitalis gives some particulars of the conference: the pope began his remonstrance, by representing, that, by the law of God, every one ought to enjoy his right, according to the respective constitution of the country; that nobody ought to grasp at what did not belong to him, nor do that to another which he would not willingly suffer himself. "The late synod, therefore," continues the pope, "has unanimously resolved to entreat your highness to release your brother Robert, whom you have detained under so long a confinement; and that you should restore to him and his son the duchy of Normandy, which you have wrested from him." To this the king made a very ceremonious answer; and promised to be entirely governed by his holiness's directions. From hence he proceeds to harangue upon the lamentable condition of the duchy of Normandy, and how earnestly he was solicited to interpose for its rescue: and, in short, seems to lay the whole stress of his defence upon his brother's mal-administration. The pope, who was, it seems, in a friendly humour, declared himself extremely satisfied, and that he should give his highness no farther trouble upon this head.

Orderic.
Vital. Ec-
cles. Histor.
l. 12. p. 865,
366.

To give the pope a farther entertainment, two young gentlemen, the earl of Mellent's sons, engaged the cardinals in the forms of logick, and entangled them so dexterously in mood and figure, that all their sense and learning was not of force sufficient to break through the argument; insomuch, that the cardinals confessed they were surprised with the opposition, and never expected such improvements in learning in those western climates. In short, the pope was much pleased with the conference, declared positively for the justice of the king's cause, and ad-

mired his prudence and elocution. This was the conclusion of the matter, with respect to Robert, duke of Normandy⁴.

As to other points, the pope granted the king all those ecclesiastical privileges which his father had enjoyed, either in England or Normandy; and, particularly, that no foreign legate should be put upon the English, unless the king should desire it upon some extraordinary emergency, the case being too difficult for the English prelates to determine.

Things being thus far adjusted, the pope desired the king to be reconciled to Thurstan, and permit him to return to his archbishoprick. The king answered, he had solemnly

HENRY I.
K. of Eng.

Malmsb. ib.

A. D. 1119.

No foreign
legate to
come into
England
unless at the
king's in-
stance.

Eadmer.

Histor. l. 5.
p. 125, 126.

⁴ It is particularly pleasing to observe the successive processes by which the interference and intrusion of papal influence in Britain were gradually abolished. In spite of the popes' ingenious and reiterated attempts to misrepresent the nature of the regale and the prerogative of the crown, the true character of the British monarch was every day recovering its position. Each successive year contributed evidence to the fact, that the British monarch, as a divine personage, possesses of right a double supremacy within these islands, that the crown is supreme alike in ecclesiastical and civil affairs; supreme alike over Church and State. This divine character and right of princes, all uniting and all embracing, was found to be the grand conception on which the true theory of our constitution necessarily depends. This conception of kingship was maintained by several of the fathers of the Church, and is beautifully illustrated by Hooker and by Selden. Being, however, somewhat transcendental and metaphysical, the doctrine was long disputed. Many scholars did not duly consider that the king, as a divine, unitive, and parental character, possessed a prerogative at once ecclesiastical and civil. Therefore, what God had joined together, they endeavoured to divide; some of them went about to prove that the king was exclusively an ecclesiastical person, and some, an exclusively secular person. By degrees, however, the syncretic doctrine of kingship prevailed, and was fully established in the reign of Henry VIIIth. After that period the true dignity and supremacy of the crown were secured. Some writers were indeed still found absurd enough to represent the king as so ecclesiastical a person that he had no business to interfere in secular matters, as if, like another Edward the Confessor, he had become *civiliter mortuus*; and some others, going to the opposite extreme, represented him as so civil and secular that he had no authority to sway ecclesiastical affairs. But the opinions of these party writers, though they made some stir, and exhibited very violent oscillations, never again regained the ascendancy. I am obliged thus early to be very explicit on this particular question, which is so elaborately and vehemently discussed by Collier. The more the parental character of the British crown is understood, the more certainly will our national monarch become a centre and bond of union to all ecclesiastical and political denominations within this empire. Beneath a sovereignty, thus emulative of the God from whom it sprung, and whose government it exemplifies to men, will Jews, Papalists, and Protestants, maintain their several spheres of action in harmony and prosperity. If our national monarch is held to be anything short of this, our sects and parties become as children without a parent, each running riot in a vain assumption of superiority, "an anarchy of spirits toy-bewitched."

RALPH,
Abp. Cant.

promised never to consent to any such proposal. To this Calixtus replied, that he was pope, and, in case his highness complied, he would release him effectually from his engagement. "When I have considered that point," says the king, "I shall acquaint your holiness with my resolution." Upon this he took leave of the pope, and soon after sent him word, that he did not think it consistent with the honour of a prince to set aside his promise, and suffer his conscience to be untied in such a manner: that by this latitude he should make himself a precedent for breach of faith, and weaken the securities of trust; for "who will give any credit to another man's word, when they see so remarkable an instance of the insignificancy of such an assurance?" "However, since his holiness," continues the king, "is so desirous of Thurstan's admission to the see of York, I am willing to gratify him, upon condition that prelate makes his appearance at Canterbury, and pays the customary submission of his predecessors; otherwise, no interest or authority shall ever prevail with me for his restitution."

Eadmer, ib.

The pope threatens the kingdom with an interdict.

Hoveden, Annal. f. 278.

Eadmer, l. 6. p. 136.

Thurstan, being a man of courage, and having the pope's ear, refused to acquiesce upon the king's terms, or submit to the see of Canterbury: however, he had not courage enough to appear either in England or Normandy. The pope, as Hoveden writes, resented his banishment very warmly, wrote in a very angry manner to the king and the archbishop, menaced the latter with suspension, and the kingdom with an interdict, in case Thurstan was not restored within a month after the letters were received. By virtue of this interdict, all divine service was to cease, and no part of the sacerdotal office to be exercised, unless in the baptism of infants, and absolution of dying penitents. Eadmer reports this matter much in the same way; only he observes, that the king was threatened with excommunication, and that Thurstan engaged the pope thus far in his quarrel by dint of bribery. By the way, this letter of the pope's was written two years after the interview above-mentioned.

It must be confessed, the pope's conduct in this affair looks very unintelligible; for which way can his appearing thus vigorously for Thurstan be reconciled to clear dealing. Did he not openly promise the king, and archbishop Ralph,

not to bring any disadvantage upon the see of Canterbury? HENRY I.
K. of Eng.
Had not Thurstan publicly renounced his claim to the see of York? Why then did his holiness engage so warmly for so exceptionable a person, and treat the king and the archbishop so very ruggedly without provocation? Alford grants all this looks something surprising at first sight, but fancies he has found an expedient to save the pope's honour. He pretends Ralph had received his investiture from the crown, and that for this reason he had a just ground of quarrel against the king and the archbishop. But which way does this annalist prove the archbishop received his investiture from court, since, after a long contest in Anselm's time, the king had solemnly resigned this point in a late council at London? But Alford proves his assertion from Matthew Paris, who is followed in this report by Matthew of Westminster. To this it may be answered, that Matthew of Westminster is, in effect, no more than a transcriber of Matthew Paris, and lived about a hundred years after him. And, as for Matthew Paris himself, he is no older than king Henry III., wrote a great while after the fact in question, and misreports a circumstance of the story. He tells us, that Ralph was translated from London to Canterbury, whereas he had never been bishop of any see, excepting Rochester. But that which is a stronger objection against Matthew Paris's testimony, is the silence of those authors who lived in this reign, or very near it; for instance, neither Eadmer, Florence of Worcester, Huntingdon, Nubrigensis, Hoveden, nor Gervasius Dorobernensis, mention a syllable of this matter. Now it is very strange such a breach of articles, such an attempt upon the liberties of the Church, should be passed over without notice. To which we may add, that it is not pretended the king gave investiture to any other prelate, excepting this Ralph. Now, it is somewhat unaccountable the see of Canterbury should be treated with particular hardship, and fare worse than the rest. From all which it is pretty evident, the matter of fact is mistaken by Matthew Paris.

But, secondly, supposing this story true, it is not a sufficient plea to justify the pope; for, granting archbishop Ralph faulty in this respect, which way can this justify the pope's partiality to Thurstan, in restoring him after he had

313.

Alford.
Ann. vol. 4.
p. 269.*His appearing for
Thurstan in-
defensible.*Mat. Paris.
Histor.Angl. ad
An. 1113.
p. 65.Eadmer.
p. 109.Malmsbur.
de Gest.
Pontif. l. 1.
fol. 131.

A. D. 1119.

RALPH,
Abp. Cant.

renounced his see, in consecrating him contrary to his own promise, and supporting him in his non-submission to the see of Canterbury? No disobligation from the archbishop of Canterbury is defence sufficient for such proceedings.

Alford. An-
nal. vol. 4.
p. 270.

And after all, Alford is contented to clear the archbishop of Canterbury from the charge of receiving investiture from the king; and argues very reasonably, that if Ralph had lain under the blemish of such an imputation, pope Paschal would never have sent him the pall. This historian therefore makes Calixtus disgusted with the see of Canterbury, rather than with the person of the archbishop. It seems when some foreign legates had been lately sent, their admission was refused upon the score of prejudice to the see of Canterbury. The pope, therefore, being angry to find his authority disputed, was willing to mortify that see, and set the archbishoprick of York upon the same level. But supposing Alford is right in his conjecture, this apology will do the pope no service; for to proceed in this manner looks more like revenge than justice, for the reasons above mentioned.

*The death
of Herbert,
bishop of
Norwich.*

This year, Herbert, bishop of Norwich, departed this life. He translated the see from Thetford to Norwich, as has been observed. He built the cathedral of that city at his own charge. He likewise built the bishop's palace, and a cloister for the monks: to which we may add five parish churches; two at Norwich, one at Elmham, one at Lynn, and another at Yarmouth. He was a person of great learning and elocution, well qualified for state affairs, and secular business. In his younger time he lived at William Rufus's court, professed the law, and was employed by that prince, and seems to have been too forward in making his fortune. He is said to have been guilty of simony, for which he made publick satisfaction. And indeed he behaved himself so worthily in the latter, and greater part of his life, that the failings of his youth ought not to be objected to his memory. I shall conclude this year with the death of Geoffrey, bishop of Hereford, of whom there is little remarkable, excepting that he recovered the interest of his bishoprick, and improved the revenues.

Malmsbur.
de Gest.
Pont. l. 2.
fol. 136.
Godwin in
Episcop.
Norwicens.

Soon after the archbishop of Canterbury's return from Godwin in Episcop. Hereford.

Normandy, Alexander, king of Scotland, sent three agents to him, with a letter to congratulate him on his return into England, to acquaint him with the vacancy of the bishoprick of St. Andrew's, and to desire Eadmer, a monk of Canterbury, might be sent into Scotland to govern that see. These envoys, after they had succeeded at Canterbury, took a voyage into Normandy, to procure the king of England's leave. The king, at the instance of the Scotch king and the archbishop of Canterbury, gave his consent.

HENRY I.
K. of Eng.
A. D. 1120.
Eadmer,
elected
bishop of
St. Andrews.

Things being thus prepared, Eadmer was sent to Scotland with a recommendatory letter from archbishop Ralph. At his coming he was immediately chosen bishop of St. Andrew's by the clergy and laity, the king concurring in the election. And here, as he writes himself, the preliminaries were very smooth and agreeable; for he was neither obliged to take investiture from the king by the pastoral staff, nor yet to do homage. But the next day the king consulting with him about his consecration, would by no means allow that solemnity to be performed by the archbishop of York; and when Eadmer informed him that the jurisdiction of the see of Canterbury included the whole island, and that he designed to receive his consecration from thence, the king was shocked with this answer, and refused to permit the archbishops of Canterbury any authority over the see of St. Andrew's.

Eadmer,
l. 5. p. 130,
131.

A dispute
about his
consecra-
tion.

314.

Idem. p.
132.

As for Eadmer, he seems to stretch the privileges of the see of Canterbury too far: for, in the dispute between Lanfranc and Thomas, in the Conqueror's reign, the metropolitanical jurisdiction over all the Scottish bishops was expressly yielded to the see of York. Eadmer therefore was in the wrong, for moving for his consecration at Canterbury. On the other side, the king not receiving satisfaction, seized the revenues of the bishoprick, and was not without some difficulty persuaded to consent, that the pastoral staff might be laid upon the altar, and Eadmer receive it from thence.

See above, in
the year
1071.

In the meantime Thurstan, archbishop of York, put in his claim to consecrate Eadmer, and prevailed with the king of England to write to the archbishop of Canterbury, and the king of Scotland, not to proceed in Eadmer's consecration. It seems Thurstan had been lately very serviceable in procuring a peace between England and France. The

RALPH,
Abp. Cant.

Hoveden,
Annal. f.
278.

success of this negotiation raised his interest at court, and made the king appear so vigorously for him. These different sentiments and interests embarrassed the affair; and the king of Scotland being unwilling to disoblige the king of England, began to draw in his regards, and grow cool to the elect of St. Andrew's. Eadmer finding himself under a discountenance, acquainted king Alexander that he designed to take a journey to Canterbury, to consult about farther measures. The king seemed surprised at this motion, told him he was now perfectly disengaged from that see; and that as for himself, he would never give his consent, that any Scotch bishop should come under the primacy of the archbishop of Canterbury. To this Eadmer made a very lively reply, that he would not renounce his relation to the see of Canterbury, no, not to gain the kingdom of Scotland. The king finding him thus untractable, treated him roughly, and seized the revenues of the bishoprick. Upon this Eadmer consulted the bishop of Glasgow, and two monks of Canterbury in his family, what was to be done. These three went to court upon the occasion, and after having discovered the king's temper and resolution, acquainted Eadmer, that it was impracticable for him to do religion any service in that kingdom; that his character would certainly be maimed, and made insignificant; that the king was of an arbitrary temper; was resolved to be everything himself, and not suffer any jurisdiction, of what kind soever, to be independent of the crown; and, which was more, he had an irreconcilable aversion to his person: they advised him therefore to resign, and go off; adding withal, that unless he delivered up the ring and pastoral staff, the king would by no means suffer him to go out of his dominions.

*He quits his
see and re-
turns to
Canterbury.*

Eadmer governed himself by this advice, sent the king the ring, which it seems he had received from him; laid the pastoral staff upon the altar, and quitted his bishoprick, upon condition that the king of England, the archbishop and convent of Canterbury, should agree to the resignation. Upon this he set forward for England, and was well received at Canterbury. The king of Scotland sent a letter to the archbishop of Canterbury, in which he complains of Eadmer's obstinacy, and his own disappointment.

Eadmer,
l. 5. p. 133,
134.

This year a very sad accident happened to the English court; upon the 24th of November the king embarked for England, at Barfleur. Prince William set sail some few hours after him; with a great train of nobility of both sexes on board. The master and some of the crew having drank too much wine, ran the ship upon a rock, where she split, and sunk immediately. And here prince William, his natural brother Richard, his natural sister Maud, countess of Mortaigne, and a great many others of the first quality, were lost; none escaping, excepting one very obscure person. This was a terrible calamity, and made the king extremely disturbed at the first shock: however, he recovered in a short time, and behaved himself with great resignation to providence. Hildebert, bishop of Manne's, wrote him a consolatory letter upon the occasion; I shall give the reader part of it. He begins with a commendation of the king, for his temper and fortitude; tells him, that the command of himself is much more for his advantage than the extent of his dominions; that the force of good example does business better than the sword; that when princes give a precedent of virtue, they correct wickedness without punishment, or executions; and thus the world is reformed, and nobody suffers by the expedient: but when the sword is drawn, heat, and other passions, have oftentimes a share in the discipline. "Your highness knows," continues the bishop, "that it is the interest of a prince to begin his government with himself; and that unless he conquers his own infirmities, all the successes in the field are but imperfect victory. It is the force of these precepts which makes you rise upon your misfortunes; it is this which sets you above any visible disturbance, and throws a cheerfulness into your face. The aspect is a good index of the mind, and a composed air without, is a true sign of greatness and fortitude within. It is true, your highness has had a severe trial: fortune, if we may so speak, has played her strongest artillery upon you. But I perceive your armour is proof, and your mind im-

pregnable. You stand upright and undismayed amidst all the ruins about you; you are not indisposed for the functions of publick or private life, but maintain the character of a prince and a philosopher, with great decency and exactness."

HENRY I.
K. of Eng.
Prince William cast
away at
Barfleur.
A. D. 1120.

Id. p. 135.
Ordericus
Vitalis Ec-
cles. Histor.
l. 12. p. 868.

The bishop
of Manne's
consolatory
letter to the
king.

RALPH,
Abp. Cant.

After this the bishop enlarges on the description of a wise man, which, though somewhat pagan in its air, is sound and significant at the bottom.

“A wise man,” says he, “is always prepared to combat that which you call fortune. He has always something about him to repel her force, and guard against surprise. He never applies to foreign assistance: he is his own defence, and his armour is always at home, and ready to make use of. He lies always under covert and protection; despises the attacks of fortune, and is above both her menacing and caresses; neither her flattery nor her outrage can make any impression upon him. He is immoveable under all vicissitudes; superior to all accidents: and whatever happens, does only give him occasion for a new conquest.” From hence the bishop proceeds to lament the unhappiness of a person not fortified in this manner; and then applying himself to the king, he breaks out in this expression: “God forbid,” says he, “that the instability of human affairs should render you thus unhappy, and that the loss of your children should make you lose your firmness and fortitude. If the violence of fortune has wrested your temper from you, you are worse wrecked upon land, if I may say so, than those who were lately lost at sea.” He proceeds to fortify the king from other topicks, but what is said may be sufficient for this occasion.

Hildebert,
Epist. 56.
Biblioth.
Patr. tom.
12. part. 1.
f. 333.

A. D. 1121.
Baron. An-
nal. tom. 12.
ad Ann.
1121.

The next year, pope Calixtus, improved in his interest, raised an army, besieged the anti-pope Burdin, at Sutri, took the town, and secured his competitor in a prison. The pope, being now at ease, began to set about a reformation, and suppress several ill customs. He made the roads to Rome safe, and protected strangers in the town from ill usage. And, whereas formerly the great men of Rome used to plunder the offerings made to St. Peter, and affront the popes that took the least notice of their rapine, he forced them to desist from this scandalous practice, and applied the treasure to the publick service of his see: and if we may believe Malmsbury, who commonly writes with freedom enough, this pope was not at all tinctured with covetousness. He seems to have had a particular regard for the English pilgrims, and was willing to relieve them in the length of their journey. For this reason he advised them

*The pope's
favour to the
English pil-
grims.*

to make their visits of devotion to Compostella rather than Rome; and that those that went twice thither to St. James, should receive the same benefit of indulgence, as if they had been once at Rome. But the great business performed by this pope was the taking up the controversy between the crown and mitre, settling the freedom of elections, and bringing the emperor Henry V. to a solemn renunciation of investitures by the ring and pastoral staff. But this has been mentioned already.

HENRY I.
K. of Eng.

Malmsb. de
Gest. Reg.
Angl. l. 5.
fol. 95.

Malmsb.
ibid. fol. 96.
Baron. An-
nal. tom. 12.
ad An. 1122.
sect. 12.

*The king
engages in a
second mar-
riage.*

After the queen's death and the loss of the prince, the king, by the advice of the nobility, married Alice, daughter of Godfrey, duke of Lorraine, as Eadmer, or Louvain, as Dunelmensis calls him. When the nuptials were solemnized, it was the privilege of the archbishop of Canterbury to crown the queen; but Ralph perceiving the king's crown upon his head without his knowledge, refused to proceed in the office till he had taken it off, and put it on himself. The king had the goodness to satisfy the archbishop in his stiffness, and unseasonable scruples.

At this publick appearance, the old difference between the sees of York and Canterbury was brought under debate; and since the pope insisted so earnestly on Thurstan's restitution, he was permitted to return to his see; but, with this condition, that he should not officiate in any part of his character, excepting in the diocese of York, till he should make the usual submission to the Church of Canterbury. And, to conclude the history of this contest, notwithstanding Ralph and his successor William, made their utmost efforts to bring Thurstan to an acknowledgment, his interest and activity were such, that he always baffled their designs, and maintained the independency of his see.

Gervasius
Dorobern.
Act. Pontif.
Cantuar.
inter 10.
Script.
p. 1661.

Eadmer,
l. 6. p. 136.

Malmsb. de
Gest. Pon-
tif. l. 3. fol.
156.

The pope, as has been observed, being disencumbered from the trouble of a rival, sent his legates into all parts of Christendom. Amongst the rest, one Peter, a Roman, had a commission to visit France, Great Britain, Ireland, and the Orcades. The king sent Bernard, bishop of St. David's, to attend him in Normandy, and convey him into England, where he was well received at court. And when he insisted upon the exercise of his legatine authority, the king told him that he must take time to deliberate upon that head; that it could not be done without the consent of

RALPH,
Abp. Cant.

Eadmer,
l. 6. p. 138.

Ibid.

316.

A. D. 1122.
*Eadmer's
letter to the
king of Scot-
land.*

the bishops and other great men of the kingdom; and that, for himself, he was resolved not to give up any privilege granted to his ancestors by the apostolick see. In short, this legate, though honourably entertained, was forced to acquiesce, and go off without executing his commission.

Eadmer having lived privately at Canterbury for almost two years, was advised by some bishops and other persons of quality, to insist upon the right of his election. They told him, that election went farther towards the character of a prelate than consecration; and that the canons would by no means allow him to throw up his claim. This advice being farther recommended by Anselm's precedent, Eadmer complied with it, and sent a letter to Alexander, king of Scotland. In this letter he returns the king thanks for the honour of pitching upon him, when there were so many other worthy persons in view: and after having declared his inclination to be serviceable to that prince and kingdom, he acquaints the king, that he did not address him out of any principle of ambition, or out of eagerness to put himself into a great post; but because all those he had consulted upon the question, told him that he was not at liberty to resign the bishoprick; neither could any person, during his life, lawfully accept of it. "But, sir," says he, "it may be your highness will object, I threw it up myself? To this I answer, that what I did was extorted from me by discountenance and hard usage; I perceived the business of my office impracticable, and, therefore, thought it proper to give way. But if your highness is pleased to remove these obstructions, and permit me the privilege of my character, I am ready to undertake my charge, and observe your commands in everything, not repugnant to the laws of God. But if your highness is pleased to refuse me upon these terms, I must desist. God, I question not, will take care of the interest of his Church, and reward every person according to the quality of his behaviour.

"However, that your highness may not think I have any intention to lessen the dignity and prerogatives of the crown of Scotland, I shall not trouble you with the conditions formerly mentioned, relating to the king of England, or the archbishop of Canterbury, but submit upon your own terms, as to that affair."

Eadmer,
l. 6. p. 139.

This letter of Eadmer's was seconded by another from the archbishop and monks of Canterbury, to the same purpose. What impression this application would have made upon the king of Scotland is not known; Eadmer, in all probability, not living long enough for the trial. For now having but just mentioned the death of the archbishop of Canterbury, he breaks off his history, without the least touch upon that prelate's character. And since we hear nothing more of him in any matter, it is probable he died soon after.

HENRY I.
K. of Eng.

*The death of
archbishop
Ralph.*

As for archbishop Ralph, Malmsbury informs us, that he was a person of exemplary devotion, great learning, and of a most agreeable and condescensive disposition; that he made no other use of the advantage of his fortune, than to oblige his friends, and those that wanted; that if he had any little fault, it was indulging an entertaining humour sometimes too much, and relaxing the gravity of his character. However, his sallies of this kind proceeded from good nature and good meaning, and not from a spirit of levity.

Malmsb. de
Gest. Pon-
tif. l. 1. fol.
132.

This year, John, bishop of Bath, departed this life. He was born at Tours, and was a priest belonging to that cathedral. After he had raised a considerable fortune by the practice of physick, he was preferred to the bishoprick of Wells. He attempted to remove the see to Bath in the Conqueror's time; but could not succeed till the reign of William Rufus. Afterwards he bought the town of Bath of king Henry I. for five hundred pounds, and annexed it to his see. This place was then famous for its medicinal waters, as Malmsbury relates, and had been so for a long time before. This bishop seized the lands of the abbey founded by king Offa, and treated the monks somewhat hardly, not thinking their ignorance deserved any better encouragement; but afterwards, when they began to improve and grow more knowing and industrious, he returned them part of their estates. He was a great benefactor to his church, both in books and ornaments.

*The episco-
pal see re-
moved from
Wells to
Bath.*

*The bishop
purchases
that town of
the king.*

Malmsb. de
Gest. Pon-
tif. l. 2. fol.
144.

Angl. Sacr.
pars 1. p.
559.

*The bishop
of Glasgow
suspended
by the arch-
bishop of
York.*

About this time, Thurstan, archbishop of York, suspended John, bishop of Glasgow, for refusing to make him a profession of canonical obedience. John took a journey to Rome to solicit there; but finding no encouragement at

that court, he travelled to Jerusalem, and was kindly entertained by the patriarch.

Dunelm.
Hist. de
Gest. Reg.
Angl. p.
245.

But that John endeavoured to exempt himself from the jurisdiction of the archbishop of York against right and ancient custom, appears from several unquestionable records. To mention some of them. Pope Paschal II., in his bull to the bishops of Scotland, orders the prelates of that kingdom to receive Gerhard, newly consecrated archbishop of York, as their metropolitan, and pay him a proportionable submission. Pope Honorius II. wrote to the king of Norway to restore Ralph, bishop of the Orcades, consecrated by the archbishop of York, and subject to his jurisdiction, to the privileges and revenues of the bishoprick. Farther, William, king of Scotland, in his letter to pope Alexander III., gives his holiness to understand, that the churches of Scotland were anciently under the jurisdiction of the metropolitan see of York; that the king had thoroughly examined this title, and found it supported by unquestionable records, together with the concurrence of living evidence. He therefore desires the pope to discourage all attempts at innovation, and that things may be thoroughly settled upon the old basis. And to speak as to the particular case of John, bishop of Glasgow, pope Calixtus II. orders this prelate to make his submission to his metropolitan of York within thirty days; or otherwise, his holiness threatens to confirm archbishop Thurstan's sentence of suspension against him.

317.

Monastic.
Anglic. vol.
3. p. 144. et
deinc. ad p.
148.

A. D. 1123.
*The council
of Lateran
held under
Calixtus.*

Concil. tom.
10. col. 893.

The next year the great council of Lateran was held, under Calixtus. For though Binius and Baronius assign it to the year 1122, yet Cossartius proves it must be set a year forward.

Now this being at that time reckoned a general council, the canons must by consequence be binding on the then English Church: I shall therefore mention some few of them.

The first canon declares against simoniacal ordinations and promotions, and that those who are thus promoted shall forfeit their character and benefice.

The fourth forbids the laity intermeddling with the revenues of the Church; and therefore if any prince, or

other lay person, pretends a right to dispose of any ecclesiastical estates, he is to be censured as a sacrilegious person. HENRY I.
K. of Eng.

The seventh decrees, that no archdeacon, arch-priest, or dean, shall give any cure of souls, or prebend, to any person, without the express consent of the bishop.

By the tenth, no person was to consecrate a bishop, unless he was canonically elected. The penalty of the violation of this canon was perpetual deprivation of the person consecrated and consecrating.

By the eleventh, those that served in the expedition to the Holy Land, and undertook the crusade against the infidels, had the grant of a plenary indulgence, and their families and estates were all put under the protection of St. Peter and the Church of Rome; whoever, therefore, dis seized them, or did them any injury, in their absence, were to be excommunicated. And that those who refused to march, after they had undertaken the service, were obliged to set forward immediately, under the penalty of being debarred entrance into any church, and having their country and estates put under an interdict.

This year the king kept his court at Gloucester at the purification of the blessed Virgin: and here William Corbel, prior of St. Osith's, of Chiche, was elected archbishop of Canterbury, and consecrated about the middle of March following, at Canterbury, by William, bishop of Winchester, and several other prelates of that province. Not long after, this archbishop took a journey to Rome for his pall. And here Alford is mistaken in affirming William's journey to Rome was prior to his consecration.

This archbishop was the first of his see who took the title of Pope's legate. This new distinction gave occasion to farther encroachments of the supremacy, and brought the English Church into a state of servitude; for now the archbishop's authority looked dependent and precarious, and seemed derived from the court of Rome. In his legatine commission pope Honorius III. empowers him to convene the clergy to exercise discipline, and make constitutions for the government of the Church. All which favours carried dishonour and subjection along with them, and suppose the

Concil.
Labb. et
Cossart.
tom. 10. col.
868. et de inc.

Continuat.
Florent.
p. 669.
Alford An-
nal. Eccles.
vol. 4. p.
285.
Continuat.
Florent. ad
An. 1123.

WIL-
LIAM,
Abp. Cant.

Angl. Sacr.
pars 1.
p. 792.

*The death
and charac-
ter of Robert,
bishop of
Lincoln.*

archbishops of Canterbury unqualified for the functions of a primate without a license from the pope.

This year, Robert Bloet, bishop of Lincoln, departed this life. He sat thirty years. Malmsbury represents him as a person very well skilled in secular business, and that he governed to the satisfaction of the diocese. He ornamented the cathedral very richly, founded one-and-twenty prebends, and purchased lands for their endowment. He fell off his horse in an apoplectick fit as he was riding by the king's side at Woodstock, and died immediately. His epitaph makes him a very charitable and good-natured prelate, and one that stood firm to his friends in their adversity.

Malmsb. de
Gest. Pon-
tif. l. 4.
fol. 165.
Godwin in
Episc. Lin-
colniens.

This see was kept vacant but a short time, for towards the latter end of July, Alexander, archdeacon of Salisbury, and nephew to Roger, bishop of that diocese, was consecrated at Canterbury.

A. D. 1124.
*The death of
Ernulfus,
bishop of
Rochester.*

The next year the see of Rochester was vacant by the death of Ernulfus. This prelate was a great benefactor to several churches and monasteries, and wrote the history of the see of Rochester.

Malmsb. de
Gest. Pon-
tif. l. 1. fol.
133.
Angl. Sacr.
pars 1.

In the latter end of this year pope Calixtus died, and was succeeded by Honorius II. Baronius gives him a very honourable character; reports that he did glorious things in a short compass of time; finished that which was impracticable to his predecessors, and perfectly disengaged the Church from the oppressions of the empire.

Baron. An-
nal. ad An.
1124. tom.
12. sect. 8.

*The death of
Ralph, bi-
shop of Chi-
chester.*

About this time, Ralph, bishop of Chichester, departed this life. He was a person of great resolution, as appears by his bearing up so boldly against the arbitrary proceedings of William Rufus. He was very remarkable in his charity, and gave all his estate to the poor. He was also a great benefactor to his see. It was his custom to visit his diocese thrice a year; at which times he used to preach against the disorders he met with, with a great deal of satire and authority.

Malmsb. de
Gest. Pon-
tif. l. 2. fol.
146.

A. D. 1125.
*A council at
London.*

318.

The next year, John de Crema, priest and cardinal, was sent legate into Great Britain by pope Honorius II. He was stopped for some time in Normandy, but at last king Henry was prevailed with to let him pass into England. At his first landing he made a progress into the north, and

travelled as far as Roxburgh, where he had a conference with David, king of Scots, who succeeded his brother Alexander. His business, as appears by the pope's letter, was to inform himself more fully in the controversy between the archbishop of York and the Scottish prelates, and examine the pretensions of both sides.

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The cardinal having executed his commission with reference to Scotland, returned to London, and held a council there at St. Peter's, Westminster: both the archbishops were present at this synod, with twenty of their suffragans, forty abbots, and a great number of the inferior clergy.

Before I proceed to the matter determined by the council, it will not be amiss to throw in a word or two concerning the authority by whom it was convened.

Now, though the legate was the occasion of the meeting of this synod, yet the summons runs only in the name of the archbishop of Canterbury. The form sent to Urban, bishop of Landaff, gives notice to that prelate, that John, cardinal and legate, by the appointment and concurrence of the said archbishop, designed to hold a synod at London. The bishop of Landaff, therefore, with the archdeacons, abbots, and priors of his diocese, are commanded to make their appearance at London at the time specified, &c.

No summons
either royal
or legatine,
for conven-
ing the
council.

And here Gervasius Dorobernensis takes notice how the English were disturbed at the cardinal's legatine character; that the figure he made in the council was altogether unprecedented, and gave great offence: for, it seems, he took care to shew his superiority in his seat, his throne being raised to a great distinction, with the archbishops, bishops, and temporal nobility beneath him. That upon Easter day, when he came first into England, he officiated in the cathedral of Canterbury, in the archbishop's place, sat in the highest seat, and wore the episcopal habit, notwithstanding he was no more than a priest. This sight was perfectly new, and a plain indication how much the ancient liberties of the English Church were sunk. For, as the historian goes on, it was notorious both to the English nation and their neighbours, that, from Augustine, the monk, to William, the present archbishop, all Augustine's successors were looked upon as primates and patriarchs,

Spelman
Concil. vol.
2. p. 33. Ex
Codice Mss.
Landavens.
See Re-
cords, num.
20.

WIL-
LIAM,
Abp. Cant.

Gervas.
Dorobern.
Act. Pontif.
Cantuar. p.
1663.

The canons.

and never brought under the jurisdiction of any Roman legate.

The canons decreed in this council, were, several of them, the same with those of the late council of Lateran.

The first canon is against Simony.

The second forbids the demanding any money for chrism, baptism, penance, visiting the sick, for burying, or giving the holy eucharist.

The next canon orders, that nothing shall be taken for the consecration of bishops or churches, or the benediction of abbots, unless freely offered.

By the fourth, no abbot, prior, monk, or clergyman, was to receive any church or portion of tithes from any lay person, without the consent of the respective ordinaries.

By the fifth, no person was to pretend a right to a parochial cure or prebend by course of succession or hereditary title.

The sixth orders, that those clergymen who have a right to any benefice, and refuse to qualify themselves by going into orders at the bishop's invitation, shall forfeit their respective preferments.

By the seventh, no clergyman under a priest was capable of being a dean or prior.

By the eighth, none was to be ordained priest or deacon without a title; those that received orders without this circumstance were to lose the advantage of their character.

The ninth decrees, that no abbot, clergyman, or layman, should eject any person in orders out of his benefice or station without the cognizance of the diocesan.

By the tenth, no bishop was to ordain or censure any person belonging to a foreign diocese.

By the eleventh, he that communicated with an excommunicated person was to fall under the same censure himself.

By the twelfth, a plurality of ecclesiastical titles or dignities were not to be bestowed upon a single person.

The thirteenth forbids marriage and concubinage to priests, deacons, subdeacons, and canons.

By the fourteenth, the clergy were not allowed to take usury, or support themselves by any other discreditable methods of profit.

The fifteenth excommunicates diviners and figure-fingers, and those that applied themselves to them.

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The sixteenth forbids matrimony to the seventh generation, with respect both to consanguinity and affinity; and that those married within those degrees should be parted. And for fear men who are willing to disengage from their wives should pretend this bar without reason,

The seventeenth canon orders the husband's testimony, or the testimony of those produced by him, should not be received as good evidence upon this article.

Dunelmens. Hist.
de Gest.
Reg. Angl.
ad An. 1126.
Continuat.
Florent.
Wigorn. ad
An. 1125.

319.

*The pope's
legate surprised with
a strumpet.*

Before I take leave of the council there is one remarkable passage relating to the legate which must not be omitted. This cardinal, before the synod met, had been richly presented in his progress, and treated with great respect by the bishops and abbots; and afterwards, happening to make a false step, he drew a blemish upon his character. When the council was sitting, he declaimed against the marriage of the clergy with a great deal of satire and intemperate language, saying, amongst other things, that it was a wickedness of the highest nature to consecrate the body of our Saviour when a man had just taken leave of a strumpet. Now the same day the legate had made this invective, and consecrated the holy eucharist, he was surprised in the evening with a wench. The proof of this miscarriage was so evident, that the fact could not be denied; and thus the cardinal's figure was spoiled, the infamy was public and notorious, and he fell under the utmost disgrace; insomuch that he was forced to get off, and went home in the greatest confusion imaginable. Huntington, by way of excuse for reporting the failings of so great a person, justifies himself by a precedent from the Holy Scriptures. And that since Moses, who was an inspired writer, recorded the vices as well as the good qualities of his ancestors; since he mentioned the intemperance of Lot, the incest of Reuben, the barbarous treachery of Simeon and Levi, and the unnatural inhumanity of Joseph's brethren: since he had so great an authority for his defence, he was resolved to take the true liberty of an historian, and touch upon the faults as well as the commendation of those that came in his way; and if this impartiality should disgust any Roman, or prelate, he advises them not

*Baronius
offers to dis-
prove this
story, but
without suc-
cess.*

WIL-
LIAM,
Abp. Cant.

Huntingt.
Histor. l. 7.
fol. 219.

Hoveden,
Annal. fol.
274. Mat.
Paris Hist.
Angl. ad
An. 1125.
Mat. West-
minster
Flores.
Histor. ad
An. 1125.

Baron. An-
nal. tom. 12.
sect. 14. ad
An. 1125.
Spelman
Concil. vol.
2. p. 82.

to discover their resentment, for fear they betray the same disorder of inclination with the cardinal of Crema.

Nothing can be more express and positive than this testimony of Huntington. Now this author was living when the fact was done, and intimately acquainted with Alexander, bishop of Lincoln, who, in all likelihood, was at the council. The same story is likewise told by Hoveden, Matthew Paris, and Matthew of Westminster, without the least mark of question as to the truth of it. Nay, Matthew of Westminster adds a circumstance more than the rest; he reports, that the legate, when he was caught, endeavoured to excuse his debauchery, by denying part of his character; he was no priest, he said, but only a reformer of that order. This, Baronius calls a trifling defence; and so, without doubt, it was; for he is called a cardinal priest in his credentials. He is likewise said to have consecrated the holy eucharist, by the historians above mentioned.

However, Baronius takes a great deal of pains to disprove the matter of fact. He makes Hoveden, Matthew Paris, and Matthew of Westminster, mere transcribers of the archdeacon of Huntington; and that the credit of the story rests purely upon that author's testimony; but all this is nothing but bare conjecture and affirmation; for the cardinal does not offer at any proof; then, as for Huntington, he brands him with partiality in favour of the married clergy. But why Huntington should expose his memory, and bring a disbelief upon his writings, by telling a scandalous story of so great a person as the pope's legate; by telling it with so much assurance, when it was so capable of disproof, being done in his own time, and upon so very publick an occasion; why Huntington, I say, should expose himself to all this censure and detection, is more than Baronius accounts for.

The cardinal urges, farther, that if this story had been true, St. Bernard, and other authors of character of that age, would never have affirmed so unanimously, that the greater and better part of the cardinals declared for pope Innocent's election; if John of Crema, who was one of them, had misbehaved himself in so scandalous a manner. But, under favour, this way of arguing falls short of the point; for if pope Innocent II. had a majority of good men for his

Baron. ibid.

electors, to what purpose should the miscarriages of a single person be taken notice of? And it is possible this disreputable conduct might be either hushed, or faced down beyond the seas.

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K. of Eng.

Baronius proceeds in the legate's justification, and insists upon the silence of William of Malmsbury, who lived at this time, and wrote with freedom enough upon the court of Rome. Now, if Malmsbury had mentioned the London synod, at which the legate was present, there had been some colour in Baronius's objection; but since he has said nothing, either of the meeting or business of the synod, or of the legate's coming over, we have no reason to wonder at the omission of this circumstance.

If it be enquired, why so considerable a writer as Malmsbury should pass over all this, we may observe, that he wrote his History of the Church after he had finished that of the state. Now, in his books *De Gestis Pontificum*, he does not come so far as the life of William Corbel, who was archbishop of Canterbury when the legate came over. Now Malmsbury's not reaching to the life of the archbishop, under whom the synod was held, was, in all likelihood, the reason why it is unmentioned by this historian. It is true, neither Dunelmensis, nor the continuator of Florence of Worcester, though they insert the canons, take any notice of the legate's disgrace. But then, on the other side, neither these nor any later English authors, offer anything to refute the calumny. So that, in short, we have four historians who charge the fact, and not one that pretends to disprove it. And to give Baronius his due, he is so modest as to grant that his defence falls short of a justification, and that it is very possible his holiness's representatives may sometimes fail in their morals, like other people.

Malmsb.
de Gest.
Reg. 1. 5.
fol. 98.

320.

Baron. *ibid.*

After the breaking up of the synod, William, archbishop of Canterbury, took a journey to Rome; part of his business was to remonstrate against putting a foreign legate upon the English Church. He was honourably received by Honorius II., who gave him a legatine commission for England and Scotland.

Continuat.
ad Flo. Wi-
gorn. ad An.
1125.

To this year we are to assign the founding of the famous abbey of Reading. It was built and largely endowed by

*The found-
ing of the
abbey of
Reading.*

WIL-
LIAM,
Abp. Cant.

king Henry, as appears by the charter, in which there are a great many royal privileges and immunities mentioned.

Coke's Re-
ports, part
5. fol. 10.

From a clause in this charter, sir Edward Coke endeavours to prove the spiritual jurisdiction of the crown; but upon enquiry, the passage will be found to fall short of his design. The words he insists on are these: "Statuimus autem, tam ecclesiasticæ quam regiæ prospectu potestatis, ut decedente abbate Radingensi, omnis possessio monasteriū ubicunque fuerit, remaneat integra et libera cum omni jure, et consuetudine sua, in manu et dispositione prioris, et monachorum capituli Radingensis, &c." Now which way these words, "tam ecclesiasticæ quam regiæ prospectu potestatis," can be serviceable to sir Edward, is hard to imagine: for in the first place, does not the mention of ecclesiastical and royal power suppose a distinction of jurisdiction, and that both these powers were not lodged in the crown? Besides, the intention of the charter, as appears clearly by the tenor of it, is only to secure the abbey in their property and civil privilege; neither is there the least mention of any spiritual jurisdiction conveyed to them.

To this I may add, that this learned lawyer seems not to be aware that the sense he contends for does by no means suit with the proceedings of king Henry I. For this prince had solemnly foreclosed his pretensions this way, resigned the pastoral staff, and parted with the emblem of Church authority.

The king, being informed of the emperor's death, sent for the empress, his daughter, into Normandy, and soon after returned with her into England; and having no issue by his second marriage, he was willing to secure the crown to the empress. To this purpose, he convened the bishops and temporal barons, to London; and here, setting forth her pedigree, and putting them in mind that the kingdom belonged to her by hereditary right, he engaged them to receive her as their sovereign, in case he should decease without issue male. The lords spiritual and temporal seemed all satisfied with the motion, and swore allegiance to the empress, under the conditions above mentioned. The archbishop of Canterbury swore first, and was followed by the rest of the prelates. David, king of Scots, the empress's uncle, was

The English nobility swear allegiance to the empress.
A. D. 1126.

the first of the laity that took the oath. Afterwards, Stephen, earl of Boulogne, her cousin-german, gave her the same security; and, it was somewhat remarkable, Robert, earl of Gloucester, the king's natural son, and Stephen, above mentioned, had a dispute who should swear first.

HENRY I.
K. of Eng.

And here we are to observe, that all the nobility of the duchy of Normandy, as well as the English, swore to the empress's succession.

Malmsbur.
Hist. No-
velle, l. 1.
fol. 99.

If it be enquired why David, king of Scotland, took the oath, and gave the security of a subject, to this it may be answered, that probably he submitted to this homage upon the score of his being earl of Huntingdon and Northumberland. For having married Judith, the Conqueror's niece, and widow of Waltheof, earl of Northumberland, king Henry created him earl of those two counties, while king Alexander, his brother, was living. Some of the English historians make king David swear by reason of the dependency of the kingdom of Scotland upon that of England. And therefore, when this question was afterwards debated before the pope, in the reign of king Edward I., that prince urged, amongst other arguments, that William Rufus set up Edgar, king of Scotland, and gave him that crown; that Alexander, Edgar's brother, mounted the throne, with the consent or permission of Henry I., and that David, above mentioned, swore allegiance to Maud, the empress.

Mat. Paris,
Hist. Angl.
ad An. 1126.

*Why David,
king of
Scots, took
the oath of
allegiance
to the
empress.*

Buchanan
Rerum sco-
tic. l. 7.

At this convention of the nobility, the king made a grant of the custody of the castle of Rochester to the archbishop of Canterbury, and his successors, with the liberty of adding what they pleased to the fortifications.

Walsing-
ham. in Ed-
ward I. p.
82.

In the year 1127, William, archbishop of Canterbury, convened a national council at Westminster, where himself presided as archbishop of Canterbury and pope's legate. The synod consisted of fifteen suffragans. It was held but three days; that is, from the 13th to the 16th of May. There was a great attendance both of the clergy and laity at this synod; and several causes relating to property and civil matters were tried here, as the continuator of Florence of Worcester remarks. There were likewise ten canons passed, of which several were a confirmation of what was decreed in the late synod. I shall only mention those that were new.

Continuat.
ad Florent.

A. D. 1127.
*A council at
West-
minster.*

WIL-
LIAM,
Abp. Cant.
321.

The third forbids the taking money for the receiving any monks, canons, or nuns, into religious houses.

The sixth forbids a plurality of archdeaconries, under the penalty of excommunication.

The seventh makes it unlawful for bishops, abbots, priests, priors, and monks, to turn farmers.

The eighth enjoins the full payment of tithes, and calls them the demesnes of the most high God.

Continuat.
ad Florent.
ad An.
1127.

And here we may observe, that notwithstanding there was a great appearance of abbots, inferior clergy, and laity of all conditions at this synod; notwithstanding there were several causes tried, and some business of this nature refused a hearing by the judges of the court: yet when the historian comes to mention the canons, he distinguishes the authority, and assigns them to the bishops; from whence we may conclude, that none but that order were reputed the legislative body for this purpose.

Ibid.

The king, at the breaking up of the synod, confirmed the canons, which we need not wonder at, since several of them related to property and civil matters.

Ibid.

William, the
king's ne-
phew, made
earl of Flan-
ders, and
grows for-
midable.

About this time the king received news of the death of Charles, earl of Flanders, and that the French king had given that earldom to William, his brother Robert's son; who being a young prince of great courage and activity, and one who thought himself very much injured by his uncle, the king was uneasy to hear he was preferred to such a post of interest; for his nephew, it seems, who had hitherto been silent, began now to set up his claim to all king Henry's dominions, and to threaten his uncle with a war.

Mat. Paris.
Hist. Angl.
ad An. 1127.

Upon this occasion the king summoned a convention to London, where, to strengthen his alliances, the match between the empress and Geoffery Plantagenet, heir apparent to the earldom of Anjou was concluded. Neither was it long before this nobleman was put in possession: for this very year, as Matthew Paris reports, his father Fulco undertook the crusade, and resigned the earldom to him.

Paris. p. 71.
The death of
William,
bishop of
London.

This year Richard, bishop of London, Richard, bishop of Hereford, and Robert Peccam, bishop of Coventry, departed this life. The bishop of London was consecrated by Anselm, at the instance of William Rufus, in the year

1108, and constituted lord president of the marches of Wales. This prelate spent all the revenues of his bishoprick in rebuilding St. Paul's. He purchased several lanes adjoining to the cathedral, and pulling down the houses, enlarged the churchyard, which he surrounded with a high wall. He had a project it seems, of making his see an archbishoprick, as appears by Anselm's letter to pope Paschal II. where he puts in a caveat against him. In the latter end of his time, he founded the monastery of the canons regular of St. Osyth's de Chiche, and settled a large revenue upon it. To conclude with him, he was a person nobly extracted, of a very regular life, and well-qualified for government and business.

HENRY I.
K. of Eng.
His benefactions.

Eadmer.
Hist. Nov.
l. 4. fol. 99.
Near Colchester.

Thurstan, archbishop of York, who had contested so warmly with the see of Canterbury, was not so active in maintaining his jurisdiction over the church of Scotland; for at the instance of David, king of Scotland, he consecrated Robert, bishop of St. Andrew's, without insisting upon the oath of canonical obedience. But the archbishop of Canterbury was more careful of the privileges of his see, and obliged Gislebert, elect of London, to the usual acknowledgment at his consecration.

Godwin et
Wharton in
Episc. Londinens.
A. D. 1128.

Continuat.
ad Florent.
ad An. 1128.

Ibid.

King Henry being apprehensive of some trouble from his nephew, provides him a rival, and persuades one Theodorick, a nobleman of Germany, to lay claim to the earldom of Flanders. This Theodorick being supported by several Flemish noblemen, took the field against earl William. The fight was maintained with great resolution, and the enemy being superior in number, William had undoubtedly lost the battle, had it not been for his own personal bravery, which turned the scale, and gained the victory: but he survived his success but a very short time; for sitting down before the castle of Alost, and supporting a party of his men with too much eagerness, he received a wound in the hand, which by the ignorance of the surgeons, proved mortal. He was a prince of extraordinary courage, and had it not been for this accident, might have given king Henry a considerable diversion.

The death of William, the king's nephew.

Orderic.
Vital. Eccles. Histor.
l. 12. p. 886.
Huntingt. Histor. l. 7. fol. 219.

This year Ralph Flambart, bishop of Durham, departed this life. The character of this prelate has been partly touched already, in the life of Anselm; and as for the

WIL-
LIAM,
Abp. Cant.

*The death
of the
bishops of
Durham and
Winchester.*

Angl. Sacr.
de Episc.
Dunel-

mens. pars
1. p. 709.
Godwin in
Episc. Du-
nelm.

Annal. Ec-
cles. Win-
ton. p. 229.
In Angl.
Sac. pars 1.
322.

Godwin. in
Episc. Win-
toniens.

*A synod at
London.*

*The king
makes the
clergy fine
for their
marriage.*

Huntingt.
Historiar.

l. 7. fol. 220. Hoveden. Annal. fol. 274. Historiæ Anglic. Scriptores quinque edit. Gale.

remainder, it will be more for the advantage of his memory. He was a great benefactor to his church: he likewise fortified the town, and surrounded it with a wall. He purchased a great many houses adjoining to the cathedral, and pulled them down, both for the benefit of the prospect, and for security against fire. He built Norham castle upon the river Tweed, to check the incursions of the Scots. He founded an hospital at Kepar, and a priory at Motsford near Winchester,—not to mention other benefactions; and at his death, ordered his estate to be distributed among the poor.

The death of William Giffard, bishop of Winchester, may be reckoned to this year. The annals of Winchester give him a great character for his piety and compassionate disposition. This prelate founded the monastery of Waverley for Cistercian monks, and another for nuns at Taunton: the first of which was valued at four hundred and thirty-eight, and the other at a hundred and seventy-four pounds of yearly revenue at the dissolution. He likewise built a noble palace for his see in Southwark, near London bridge; to which we may add, that he contributed very largely towards the monastery of St. Mary Overy.

Next year there was a council held at London, where both the archbishops and ten suffragans were present; and here, as our historians report, the synod, by the archbishop's incautiousness, was surprised by the crown. For being desirous to suppress the marriage of the clergy, they resigned the discipline upon this article into the king's hands. But they were disappointed in this expedient; for the king taking a fine of the priests, permitted them to keep their wives; and by this dispensation raised a vast sum of money; which is an argument that a great many priests were then married. Matthew Paris calls these women *focariæ*, which Alford is willing to translate strumpets. This, it seems, is his way of consulting the honour of the clergy. But that the body of the clergy were not so scandalously immoral as this annalist would represent them, appears by the concurrent testimony of Huntington, Hoveden, the annals of Margan and Waverley, and the chronicon of Hemingford. By all which historians they are expressly called *uxores*, or wives.

About this time Henry of Blois, abbot of Glassenbury, **HENRY I.** and the king's nephew, was promoted to the bishoprick of ^{K. of Eng.} Winchester, and consecrated at Canterbury upon the 15th of November; where Gosfrid, nephew to the Baron de Clinton was consecrated bishop of Chester in December following.

Upon the death of pope Honorius, the cardinals were divided about his successor, a double election was made, and a new schism broke out at Rome. And though Alford follows the authority of his Church, and declares for Innocent II., yet he grants the case was so perplexed at first, that it was hard to discover where the right lay; and that the countries remote from Rome were at a stand for some time. And since the English Church seems to have stood at gaze with the rest, it may not be improper to give a short account of this matter.

*Continuat.
ad Florent.
ad An. 1129.
A. D. 1129.*

*A new
schism at
Rome.
A. D. 1130.*

Baronius informs us, that immediately upon the death of Honorius, the most considerable churchmen, both for quality and sense, designed to meet at St. Mark's church, and that the election should be carried on in a publick and customary way. But those who were most intimate with the late pope declined meeting there, for fear of a tumult; and before the death of Honorius was published, chose one Gregory, cardinal deacon of St. Angelo, who took the name of Innocent II. Another party understanding the pope was dead, met at St. Mark's church, and made choice of Peter, a cardinal priest, and son to Leo, a Roman prince, a great many bishops, cardinals, clergy, and temporal nobility concurring in the election. Thus the story is told by Sugerius, abbot of St. Dennis, an author of character in that age.

*The pretences of
Innocent
and Anacletus
briefly
examined.*

It is true, Baronius produces a considerable list of bishops and cardinals, who appeared for Innocent; but it seems Peter, who took the name of Anacletus II., had the best interest in Rome. Baronius will have it, that he prevailed chiefly by the length of his purse and greatness of his family, and lays a heavy load of disorder and sacrilege upon his party. But Anacletus and his friends deny the charge, and retort it upon their adversaries.

*Sugerius in
Vit. Ludovici Regis
Franc.
Baron. An-
nal. tom. 12.
sect. 1. ad
An. 1130.*

*Baron. ad
An. 1130.*

The famous St. Bernard appeared vigorously for Innocent, which seems to have turned the scale in England and

WIL-
LIAM,
Abp. Cant.

Guliel. in
Vit. Bern-
ard. l. 2. c. 1.
Huntingt.
Histor. l. 7.
fol. 220.
Hoveden.
Annal. pars
1. fol. 275.

France, and was of mighty service to his cause. The writer of St. Bernard's life reports this saint brought over king Henry and the English bishops, though not without a great deal of difficulty. And Huntington and Hoveden inform us, that Lewis, king of France, was persuaded to acknowledge Innocent, by the interest of king Henry.

And though Malmsbury affirms, that upon Innocent's being forced to quit Rome, and pass the Alps, all the Citra-montane Church declared for him; yet it is plain, by the Citra-montane Church he meant only the bishops of the French king's dominions; for he distinguishes king Henry from this Citra-montane Church. Indeed, there is no reason to question the testimony of William, the writer of part of St. Bernard's life. To dispute the authority of this author, is in effect to question the sincerity of St. Bernard himself; from whom, in all likelihood, he had the relation.

See Alford's
Annal. vol.
4. p. 307.

See Du Pin,
New Ec-
cles. Hist.
cent. 12. in
St. Bernard.

A. D. 1130.

St. Bern-
ard's de-
fence of
Innocent's
election.

Bernard
Epist. 125.

Baron. An-
nal. ad An.
113.

Bernard
Epist. 124.

Ibid.

And notwithstanding Innocent gained ground westward, yet it is pretty evident, Anacletus was supported by a considerable part of Christendom. For St. Bernard, reckoning up the countries who acknowledged Innocent, mentions no more than Germany, France, Great Britain, Jerusalem, and Spain; from whence we may infer, that Italy, and the rest of the Latin Church unnamed, adhered to Anacletus. Besides, this pope was not without some abettors even in France; for the famous Ildebertus, archbishop of Tours, stood off for some time from Innocent: and Gerhard, bishop of Angouleme, was a stout champion for Anacletus.

To examine the election a little farther, and to begin in the first place with St. Bernard's defence of Innocent. This holy man reports, that Innocent was chosen first, and that his electors were the most considerable, both for value and number. And then as to the merit of the persons, Innocent was a man of so unexceptionable a conduct, that his enemies could not fasten a blemish upon him; whereas, the failings of the other could scarcely be covered by the partiality of his friends: besides, Innocent was consecrated by the bishop of Ostia, to whom the performance of that ceremony regularly belonged. From hence he concludes, that to endeavour to set up a rival and depose a prelate thus strongly recommended, thus canonically chosen, is to overbear all right

and religion, and to run counter to the inclinations of all good men. Thus far St. Bernard in his letter to the bishops of Aquitaine.

HENRY I.
K. of Eng.

Bernard
Epist. 124,
125.

Baron. An-
nal. ad An.
1130.

On the other side, Anacletus was supported by persons of great figure in the Church, as appears by the letter of Peter, cardinal and bishop of Porto; one of the principal of Anacletus's party, to four cardinal bishops in the interest of Innocent. The letter runs thus:—

Peter, bishop of Porto, to the four bishops William of Præneste, Matthew, of Alba, Conrade, of Sabina, and John, of Ostia: "How much I am afflicted upon your account is only known to the Divine Omniscience: however, I had acquainted you with something of it, had not my pen been stopped by the order and authority of the Church: as concerning the commendation or censure of the persons of whom there are such various reports, I do not think this a proper time to determine: there is one that will certainly examine and pronounce upon this matter. However, if any person is prepared to bring in a charge, I question not but the defence will be no less ready than the accusation. This, I think, I may very well say, since both the competitors have been unexceptionable in their conduct, and managed their respective stations to advantage enough; as is well known both to yourselves and me, and indeed to the whole Church. I conceive it therefore for the interest of your character, not to precipitate your judgment, nor grow lavish and satirical in your discourses. Besides, if you insist upon reports, things have a very different face from what your letters suggest. To which I may add, that if you do but consider your own plea, and the method of your proceedings, I cannot conceive which way you can be furnished with a sufficient assurance to call your factious appearance an election; with what colour can you pretend your man ordained, when there was nothing of order or form in the whole course of the affair? Have you been thus instructed to choose a pope? Is this to be done in a private absconding manner, in darkness, and in the shadow of death? If you were desirous to have a living pope in the room of a dead one, what made you give out that the dead one was still living? It had been much more advisable to pay the cus-

*The bishop
of Porto's
letter in
behalf of
Anacletus.*

Malmsb.
Hist. No-
vell. b. 1. fol.
99. Baron.
Annal. tom.
12. sect. 8. ad
An. 1131.

WIL-
LIAM,
Abp. Cant.

tomary respects to the person deceased, before you had thought of the satisfaction of a successor: but now, since you have set up the dead thus preposterously to assist the living, you have done disservice to both."

Malmsb.
Hist. No-
velle,
fol. 99.

By the way we may observe, that Innocent's party gave out that the late pope Honorius was living, when the fact was otherwise; and that he had named this Innocent for his successor. To proceed to the cardinal of Porto's letter.

*Priori
vestro.*

*Fratribus
majoribus
et prioribus.*

"And last of all, continues this prelate, it was neither your business nor mine to govern the election; but only to give or refuse our vote, after the choice made by our brethren. Since therefore you have set aside the customary methods, violated the canons, broken through the order made by yourselves, and drawn your own anathema upon you, since you have not consulted me your superior, nor several others of our brethren of a character preferable to yourselves. Since you are but upstarts in your station, disorderly in your proceedings, and very inconsiderable in your numbers, you must needs confess upon your own rules and maxims, that all you have done is no better than mere nullity and presumption. But God Almighty has been pleased to assist us with a speedy direction, and point out the way to give a check to your irregularity. For your brethren the cardinals (who have a principal share in the election) unanimously made choice of the lord cardinal Peter for bishop of Rome: this they did in open day, and under publick notice, with the concurrence of the whole clergy, at the instance of the burghers, and with the approbation of the temporal nobility. This election I was present at, saw it regularly carried on, and confirmed it as far as my commission from God Almighty would give me leave. This person is acknowledged and revered by the Church, visited by bishops and abbots, by princes and lords of the laity. As for that savage and rough usage you complain of, we see nothing of it: for whoever applies to his holiness for business and direction, is well received, and dismissed in a friendly manner. In the name of God therefore recollect yourselves, and recover your conscience and understanding: do not make a schism in the Church, and ruin the souls of the people: break off your undertaking, and

work your cause no farther: let the fear of God overrule your motions, and be not ashamed to disengage from an error. I hope he that sleeps will take in the other part of the apostle's sentence, and arise from the dead. Rely no longer upon calumny and falsehood, which is nothing but the refuge of ill men." And after having justified himself from a misreport, he concludes with these words:—"I have all along kept close to the Church, and endeavoured its unity, and this shall be my practice for the future. I shall always take care to adhere to the honest side; not doubting in the least but that truth and justice will be a good protection."

HENRY I.
K. of Eng.

324.

Thus it appears, Anacletus had a strong party on his side, and was not destitute of plausible arguments to back his pretensions. And had it not been for the interest and activity of St. Bernard, he might probably have carried the cause; for it was by the strength of St. Bernard's character that Innocent was received in France. The French king, before he would acknowledge this prelate for pope, called a council at Estampes, to examine the election: and here, it seems, the arguments on both sides were so well balanced, that the council finding it difficult to come to a resolution, referred the point wholly to St. Bernard, who determined for Innocent. And had Anacletus's agents been there to defend his title, it is possible the issue had been otherwise.

The pretences of either side tolerably balanced.

And farther, since St. Bernard was not upon the spot at the election, it is not impossible he might be misinformed. It is granted, he was a person of great reputation for learning and sanctity; but then, to give some counterpoise to his character, the famous monastery of Mountcassin declared unanimously for Anacletus; and thus we have no less than a whole convent of saints on the other side.

Du Pin,
New Eccles. Hist.
cent. 12. in
St. Bernard.

To this we may add, that Malmsbury, one in the first class of our English historians, seems to be at a loss where the right lay. For notwithstanding Anacletus was at last disowned in England, and Malmsbury might safely have taken the freedom of his pen against him, yet when he mentions this competitor he is not so hardy as to call him a pretended pope, but that it was said, he was pretended: which modest expression looks as if his own opinion lay the

Baron. An-
nal. tom. 12.
sect. 59. ad
An. 1130.

WIL-
LIAM,
Abp. Cant.

Malmsb.
Hist. No-
velle, l. 1.
fol. 100.

Ibid.

Baron. An-
nal. tom. 12.
sect. 3. ad
An. 1138.

A. D. 1131.

Hunting.
Histor. l. 7.
fol. 220.

*The oath of
allegiance
repeated to
the empress.*

Malmsb.
Hist. No-
vell. l. 1.
fol. 100.

*The bishop-
rick of Car-
lisle
founded.*

A. D. 1132.

other way. He tells us moreover, that notwithstanding the prevalency of Innocent's interest in England, France, and Germany, Anacletus maintained his ground, and held up his character to his dying day, which was no less than eight years after his election. And even after his death, his party chose another successor, as Baronius confesses. It is true, they surrendered their division in a little time, and were reconciled to pope Innocent.

Things being thus dubious, as Malmsbury calls them, it is no wonder to find the English Church stand neuter, and unresolved for some time.

The year following Robert Beaton was promoted to the see of Hereford, and consecrated in June by the archbishop of Canterbury. To which we may add the death of Harvey, first bishop of Ely, which happened about two months after.

About this time the king returning from Normandy into England, summoned a convention of the bishops and temporal nobility at Northampton. And here it was concluded, that the empress should be returned to the earl of Anjou her husband at his request, which was accordingly performed. The oath of allegiance to the empress was repeated at this convention, and likewise taken by all those who had not given that security before.

The next remarkable occurrence is the founding the bishoprick of Carlisle. This place, called Luguballia by the Romans, is a town of great antiquity, but had the misfortune to be entirely destroyed by the Danes about the year of our Lord 900. It continued in this condition of rubbish for almost two hundred years; when William Rufus marching that way into Scotland, and considering the strength and pleasantness of the situation, and the richness of the country, resolved to make it a fortification against the Scots.

About three years after this project was put in execution, the town was rebuilt, fortified with a wall and castle, and planted with a colony of southern English. The town being thus rebuilt, the king made one Walter, a rich clergyman, governor of it. This Walter built a church there to the honour of the blessed Virgin. He had likewise a farther design to found an abbey, and settle his whole estate for the endowment; but this project was prevented by death. Adelwald, confessor to king Henry now reigning, persuaded

this prince to bestow Walter's estate upon the building of a college, and furnish it with regular canons, who should be obliged to officiate in the church above mentioned. When the structure was finished, the king settled Walter's estate upon the college, added six advowsons of his own, and put the house under the government of a prior.

HENRY I.
K. of Eng.

To give a farther light to this story: we are to observe, that in the year of our Lord 679, Egfrid, king of Northumberland, made a grant of this town, and of the country fifteen miles round it, to St. Cuthbert, bishop of Holy Island. In process of time, the ravage of the Danes was such, that the bishops were forced to remove for shelter: indeed, the country was destroyed almost to a solitude, insomuch that for several miles together there was scarcely a man to be met with. During this desolation, the government of this part of the diocese grew impracticable. This interruption being followed by a neglect by some of the succeeding bishops, who were now settled at Durham, the archdeacons of Richmond began to seize the opportunity, and by degrees lay claim to the jurisdiction of all Cumberland and Westmoreland. After the college above mentioned was finished, Thurstan, archbishop of York, happened to travel thither: who viewing the magnificence of the church, and considering the commodiousness of the place for a bishop's see; and that the archdeacon of Richmond had no right to the jurisdiction of the country, applied to the court for a new erection: the king being willing to prefer his own foundation, consented to the archbishop's request: there was likewise an authority procured from the pope; and the business being thus settled, the choice of the bishop was left to the canons, and the counties of Cumberland and Westmoreland assigned for the diocese. The canons pitched upon the prior Adelwald, or Adelwolf, for their bishop, who was consecrated at York.

325.

And having mentioned this cathedral's being furnished with regular canons, it may not be improper to acquaint the reader briefly with their distinction, and the time of their institution. And here we may observe that these regular canons are different from the canons instituted in the ninth century; for first, those of the ninth age had benefices annexed to churches, and were under an obligation to perform

Godwin in
Episc. Car-
liolens.

*Regular
canons when
instituted,
and what.*

WIL-
LIAM,
Abp. Cant.

the offices of the cure; whereas many of these regulars were altogether unbeneficed. Secondly, though it was the rule of the secular canons to live in common upon the Church revenues, yet they had the liberty of keeping their private patrimony to themselves; whereas the regulars were obliged to renounce all property no less than the monks. Thirdly, the first sort were allowed to disengage, and quit their manner of living; whereas the latter were tied up to their institution for their lifetime. To which we may add, that these regulars lived in common, under an abbot or prior, and professed poverty, constancy, and obedience, though not under the monastick forms of a vow. Besides the service of the church or monastery to which they belonged, they were sometimes intrusted with a parochial cure, and permitted the exercise of other ecclesiastical functions. Ivo, afterwards bishop of Chartres, began this reform in the monastery of St. Quintin, in the year of our Lord 1078: afterwards, that religious house furnished France with many other convents of its order; from whence, in a short time, it spread into other countries.

Du Pin,
New Ec-
cles. Hist.
cent. 11. c.
14.

I shall conclude this year with the mention of the consecration of Nigellus to the see of Ely.

*The death of
Gilbert,
bishop of
London.*

To proceed: Gilbert, bishop of London, had lately set forward to Rome about the interest of his Church; but whatever the particulars of his business were, he did not live to finish them; for, upon crossing the Alps, he fell sick and died. He is called the Universalist, from the compass of his learning; for which Huntington gives him a large commendation. His abilities promised great things at his promotion; but, it seems, he loved money too much, which made him dwindle in his character, and fall short of expectation. He left a commentary upon the Psalms, and an exposition upon the Lamentations, which are still extant in manuscript.

A. D. 1134.
Hunting.
Epist. ad
Walter, &c.
Angl. Sacr.
pars 2.
p. 698.

Wharton de
Episc. Lon-
dinens.

A. D. 1135.
*The death of
king Henry.*

King Henry, who had now been in Normandy about three years, fell sick at Leun, and died there upon the first of December. This prince, as appears by the archbishop of Rouën's letter to the pope, made the best use of his sickness, composed himself very religiously for death, and promised the prelates that were present a reformation in case of recovery. He likewise ordered that the forfeited estates should be returned, and those that were banished recalled; that his

Baron. tom.
12. ad An.
1135.

debts should be paid, and a large distribution of charity to the poor.

HENRY I.
K. of Eng.

To say something of this prince by way of character: he was bred to learning, and for his unusual improvements beyond those of his quality, was called Beauclerk. His fancy seems to have lain pretty much this way, as appears by this saying, which he would sometime speak in his father's hearing, "that a king without learning was little better than an ass with a crown upon his head." He seems to have been well qualified for a governor. His directions in the cabinet were generally well formed. He was a person of great foresight and penetration, and wanted no courage for the executing part. He was, likewise, a good speaker; notwithstanding he wanted no courage for the field, his inclinations lay mostly for peace. And though he declined engaging in a war, as far as was consistent with honour, yet when he thought there was a necessity of coming to blows, no prince went through the contest with more bravery and resolution. He is said to have been remarkable both in his friendship and disaffection; pushing his resentments too far in the one case, and being no less liberal of his favours in the other. The hardship put upon his brother Robert, and his cousin the earl of Mortaigne, are reckoned among the blemishes of his reign. He is likewise charged with covetousness, and oppressing the subject with unnecessary taxes. Neither were the liberties of his pleasures at all defensible. However, with all these abatements of character, his government was very much preferable to that of his successor. His body was brought over into England, and buried in the abbey church of Reading.

His charac-
ter.

Malmsb. de
Gest. Reg.
l. 5. fol. 87.

Malmsb.
l. 5. fol. 91.
Huntington
Histor. l. 8.
fol. 221.

326.

Upon the news of king Henry's death, Stephen, earl of Boulogne, notwithstanding his oath to the empress, posted into England, and set up for himself. This Stephen was third son to Stephen, earl of Blois, by Adela, daughter to William the Conqueror. His uncle, king Henry, created him earl of Mortaigne, in Normandy, bestowed a great estate upon him in England, and preferred him to the marriage of the daughter and heir of Eustachius, earl of Boulogne. Standing upon this ground of advantage, and being a person of great courage and ambition, he was resolved to lay hold of the opportunity of the empress's absence, and push his

Stephen, earl
of Boulogne,
seizes the
throne.

Orderic.
Vital. Ec-
cles. Hist.
l. 13.

WIL-
LIAM,
Abp. Cant.

Mat. Paris,
Hist. Ang.
p. 74.

*The prelates
and nobility
do homage to
him.*

Chronic.
Gervas. Col.
1340.
Mat. Paris,
p. 74.

Huntingt.
Hist. L. 8.
fol. 221.

*The grounds
of this revo-
lution unsa-
tisfactory.*

Malmsb.
Hist. No-
vell. l. i.
fol. 100.

fortune. Upon his landing at Dover, the burghers refused to entertain him; and when he came to Canterbury he found the gates shut. Notwithstanding this discouragement, he marched on to London, where he was well received; and having seized a hundred thousand pounds in the exchequer, and gained the nobility, he moved for his coronation. And when William, archbishop of Canterbury, refused to perform the ceremony, upon the score of his oath to the empress, one Hugh Bigot, lord high steward, swore that king Henry, upon his death-bed, disinherited the empress, his daughter, and released the English and Normans from their engagements to her. This slender pretence, it seems, satisfied the archbishop and the rest of the prelates and nobility. Huntington laments the insincerity of this compliance, ventures to say that the archbishop was cut off soon after for his perfidiousness; and that Roger, bishop of Salisbury, for being forward in the revolution, and making his court to the usurper, was afterwards, by the just judgment of God, cruelly used by him.

It seems the prelates were too eagerly disposed to receive satisfaction, otherwise they would never have transferred their allegiance upon so weak a motive. Hugh Bigot swore the king had disinherited his daughter; what then? Why should they believe a single testimony against a national and publick act? Besides, Malmsbury tells us expressly that the matter-of-fact was otherwise; and that the king, in his last sickness, declared the empress his successor to all his dominions.

Besides, it was not in the king's power to release the subjects from their engagements; for the oath, at his instance, was made to the empress; and therefore none but herself could discharge the obligation. So that, had the crown been devisable by will, the king had foreclosed his right for any farther disposal.

To proceed: king Stephen (for that title was his due at last) had miscarried in his attempt, had it not been for the interest of his brother, Henry, bishop of Winchester. This prelate undertook for his brother's management, and prevailed with the rest of his order. That which engaged the bishops was a prospect of favour to the Church. As if the Church could be served by breach of faith, and doing injury

to a third person; as if religion could be supported by a violation of the most solemn part of it. Alford, the Jesuit, has the honesty to exclaim against this scandalous maxim; and remarks, that they were all disappointed in king Stephen; that this wretched expedient proved a lamentable security; that God punished the prelates for their perjury; and that the Church was never in a worse condition than under this prince.

MAUD,
the
Empress.

It is true, at his coronation, he made a solemn promise of these three articles, mostly relating to the Church.

Alford An-
nal. vol. 4.
p. 327.

First, that upon the death of any bishop, he would never seize the temporalities, and keep the see vacant, but immediately give his consent for a canonical election.

Secondly, that he would never disturb any of the clergy or laity in the enjoyment of their woods, as the late king Henry had done; who used to sue those who had either hunted in their own woods, or cut down any part of them for their own uses.

Thirdly, he promised a perpetual release of the Dane-gelt. This Dane-gelt was a tax of two shillings upon every hide of land, and had been levied by the crown for several reigns beyond the Conquest. It was first raised as a contribution for the Danes, to prevent their depredations, and buy a peace of that formidable enemy.

Huntingt.
Histor. lib.
8. fol. 221.
Florent.
Wigorn. ad
An. 991.

To proceed: the temporal nobility, as Matthew Paris relates, deserted the empress upon a ground no less indefensible than the clergy; they thought it a disreputable thing to be subject to the government of a woman; as if one sex was not as capable of authority as the other. These men seem to have forgotten that Deborah had a sovereign commission from God Almighty, and was made one of the judges in Israel.

Mat. Paris,
p. 74.

However, notwithstanding the unaccountable management of matters, the pope makes no scruple to confirm King Stephen's title, sends his benediction in a bull, and takes him under St. Peter's protection.

The pope
confirms
king Ste-
phen's title,
and argues
ill in de-
fence of it.

His holiness founds this prince's right upon his being unanimously elected by the nobility and commons, upon his promise of submission to the Roman see at his coronation, and upon the score of his being a near relation to the royal family. Notwithstanding this flourish, Huntington, who

WIL-
LIAM,
Abp. Cant.

327.

Hist. Prior
Hagustald.
de Gestis
Reg. Steph.
col. 313.

Vigore Fre-
tus et Im-
pudentia,
&c.

Hist. l. 8.
fol. 221.

lived at this time, calls Stephen's enterprise a tempting of God, a breach of solemn faith, and a bold invasion of the throne; and Hoveden, Matthew Paris, and the Annals of Waverley, speak much the same language. Indeed, the pope's arguments are very fallacious and inconclusive; he says that "Stephen was chosen by the general consent of the people;" but what signifies this, when they were all sworn subjects to the empress? What liberty had they to choose a sovereign, when they had solemnly tied down themselves to a prior engagement? His argument, from Stephen's being of the royal family, is no less exceptionable than the other. Instead of mending the matter, this makes it worse. To wrong a near relation, is an aggravation of the injustice; he that usurps upon his family, flies more directly in the face of nature, and is false to his own blood.

Robert, earl of Gloucester, king Henry's natural son, deserted his sister, the empress, with the rest, and did homage to king Stephen, with a clause of reservation for the security of his own estate and dignity. The compliance of this earl, who was a person of great courage and interest, seems to have disposed the bishops to follow that precedent; for soon after his arrival in England, they swore a conditional allegiance to king Stephen; which, by the form of it, was to bind no longer than the Church was maintained in her liberties and jurisdiction. King Stephen granted the Church a charter at Oxford, and swore to the contents of it.

*The bishops
swear a con-
ditional oath
of allegi-
ance.*

Malmsh.
Hist. No-
vell. l. 1.
fol. 101.

*King Ste-
phen's char-
ter to the
Church.*
A. D. 1136.

The charter sets forth his election by the clergy and people, and mentions the confirmation of his title by the pope. From hence the king proceeds to promise, that holy Church shall enjoy her ancient freedoms, and be treated with honourable regard: that no simoniacal dispositions of Church preferment should be permitted: that the persons and estates of clergymen should be under the jurisdiction of the bishops; and in case of any misdemeanour, or dispute, tried only in their courts: that whatever estates the Church was possessed of at the death of William the Conqueror should be quietly enjoyed, and not disturbed by any claim to the contrary; and in case of vacancy of bishopricks, abbeys, and other Church preferments, the see's goods and estates were to be put into the hands of the clergy, or other

persons of reputation belonging to the respective churches, till such time as they should be canonically filled. There are several other clauses of privilege which the reader may see in the collection.

MAUD,
the
Empress.

See Re-
cords, num.
21.

The prior of Hexham, in his history of king Stephen, mentions the witnesses that signed the charter; but Malmsbury only tells us in general that there were a great many of them, but that he did not think it worth his while to insert the list, because the charter was quickly made insignificant, and violated almost in every article; as if the king had sworn on purpose to have the character of an ill conscience, and shew his courage in perjury. However, the historian is so ceremonious as to give Stephen the commendation of a good-natured man, and lays the faults of his maladministration upon evil councillors: adding withal, that had he made his way fairly to the throne, and not been too easy in hearkening to the suggestions of ill men, he would not have been unqualified for his station.

Prior Ha-
gulstad. col.
814.

Malmsb.
Hist. No-
vell. l. 1.
fol. 101.

As for the bishops, who thought a king of their own making would have been altogether manageable and pliant, they found themselves miserably mistaken; for now the churches were plundered, and their estates given away to the laity. The prelates were seized, and either kept under confinement, or forced to surrender their lands, and fined deeply for their enlargement.

Malmsb. ib.

Thus, when people will venture upon unconscionable expedients, and sacrifice their honesty to their interest, they desert their best protection, and are oftentimes losers by the bargain.

Before I take leave of this charter, I must not omit the mention of Baronius's remark upon it. The cardinal, upon king Stephen's declaring his title confirmed by the pope, pretends this acknowledgment was made by way of homage; because the crown of England was a fief of the Roman see; and that, for this reason, every king at his accession to the throne, was to receive a ratification of his dignity from the pope.

Baron. An-
nal. tom.
12. sect. 30.
ad An. 1135.

That this assertion of the cardinal is altogether wide of truth has been shewn already; and, to mention nothing farther, may easily be disproved by the Conqueror's answer to the demands of pope Gregory VII. The reason why king

Vid. supra
ad An.
1085.

WIL-
LIAM,
Abp. Cant.

Stephen mentions the pope's confirmation was, because he had lately received a bull from Rome to that purpose. This record, though mentioned at large by the prior of Hexham, being probably not seen by the cardinal, might help to lead him into this mistake.

*The death
of William,
archbishop
of Canter-
bury.*

Gervas.
Dorober-
nens. Col.
1664. Anti-
quit. Britan.

Gervas.
Dorobern.
Act. Pontif.
Cantuar.
Col. 1664.

This year, William, archbishop of Canterbury, departed this life. It is thought he died of grief for his infidelity to the empress, and that the new oath to king Stephen poisoned his constitution. He was so visibly disordered at the coronation of this prince, that his hands shook, and let fall the consecrated elements. That which was most remarkably to the credit of this prelate, was the rebuilding and ornamenting the cathedral of Canterbury, lately burned. The consecration of this church was performed in a very splendid manner, king Henry and his queen, David, king of Scotland, and all the English prelates being present at the solemnity. This archbishop likewise consecrated the new cathedral at Rochester. After his death the see of Canterbury continued vacant about two years.

328.

A. D. 1137.

This year, as Diceto reports, there was a convention of the lords spiritual and temporal, summoned to Westminster, which gave occasion to an election for the see of London, which had been vacant two years. And here we may observe, that from the Conqueror's time to the reign of king John, it was the custom to choose bishops at a publick meeting of the bishops and barons, the king being present at the solemnity: and, that the election might pass through a regular form, a delegation of monks, or canons, who represented the vacant sees, were sent for up for this purpose. Thus William, dean of St. Paul's, and the chapter, made their appearance at the Westminster convention, and proceeded to the choice of a bishop. The majority of the canons pitched upon Anselm, nephew to Anselm, archbishop of Canterbury and abbot of St. Edmundsbury, notwithstanding the king, the dean of St. Paul's, and another party of the canons, declared strongly against this election: the other side insisting upon the privilege of the majority, had some of their estates seized for adhering to the choice of a bishop against the king's consent. And here bishop Godwin is mistaken in affirming that the king, being disgusted at the obstinacy of these canons, ordered their

wives to be apprehended, and sent to the Tower, where they were kept prisoners till their husbands had given the king satisfaction. But this passage, as the learned Wharton observes, is not to be met with in Diceto. It is true, this author reports, that in the year 1137 the Focariæ of some secular canons were sent to the Tower in a rugged boisterous manner; but he does not say anything of their belonging to the cathedral of St. Paul's. The truth of the case seems to be this,—there were secular canons at this time in a great many places within the diocese of London, and these, according to the custom of the age, were most of them married. Now this liberty being forbidden by a late synod at London, the king's officers haled their wives to prison to get money for their enlargement. To return to the election: the canons who elected Anselm went along with him to Rome, and got him confirmed by the pope. Being fortified with this authority, he was solemnly installed in St. Paul's cathedral, challenged canonical obedience from the clergy of the diocese, and disposed of the revenues of the bishoprick. However, the dean and his party made their appeal to Rome, and at last got the election repealed. The pope's sentence for annulling the election went upon this ground, viz. :—"Because it was made without the dean's knowledge and consent; who, according to right, ought to give his vote first in the choice of a bishop." The annulling of this election was procured at the solicitation of the suffragans of the province of Canterbury, and by a letter to the pope from Thurstan, archbishop of York, in which he gives Anselm a character so much to his disadvantage, that after he had lost his bishoprick he had much ado to recover his old post at St. Edmundsbury. The see of London being thus voided, the distraction of the times kept it vacant about four or five years longer.

MAUD,
the
Empress.

The next year affords little remarkable relating to the Church, excepting the burning of the cathedral, the monastery of St. Mary's, and thirty other parish churches in York. To which we may add a like calamity at Bath, where the cathedral was burnt down. It is true the accident was quickly repaired, Robert, then bishop of that see, raising a new fabrick, not inferior to the other, whereas the

Diceto Abbrev. Chron. p. 506, 507.

Annales Petrob. Saxon. in An. 1129. Godwin in Episc. Londinens. Wharton de Episc. Londinens. p. 54. et deinc.

A. D. 1137. Godwin in Episc. Bathon.

church of York lay in ruins a great while, and did not recover till the reign of king Edward I.

The Church affairs being intermixed with the state, I must mention something of the latter. King Stephen now began to grow uneasy in the administration, and many of the great men of his own party proved troublesome to him. They took advantage of the defect of his title, and made unreasonable demands; and in case he refused to grant them what lands they desired, they immediately applied to force, manned their castles against him, and plundered the estates belonging to the crown. They took the greater freedom because of the juncture; for things now began to look disturbed and unsettled, there being a strong report that Robert, earl of Gloucester, would shortly set sail from Normandy into England, in defence of his sister, the empress's right. Neither were people deceived in this expectation, for soon after Whitsuntide this earl sent king Stephen a solemn defiance from Normandy, revoked his homage, and renounced him in form; and to prevent the imputation of inconstancy, and breach of faith, he gave him the reasons of his defiance; alleging, that Stephen had seized the crown against justice and law, and failed in his promises to those who had owned him. The earl likewise confessed that himself had fallen short of his duty, and made a breach upon the constitution, by acknowledging another sovereign during the life of the empress; and that since he was under the pre-engagement of an oath to this princess, he had no liberty to transfer his homage. This earl, as Malmsbury reports, was governed by the motives of conscience in this declaration; the deserting his sister, the empress, had given him some disturbance. This put him upon consulting a great many persons of figure and religion; they all told him it was impossible either to live with a character of a man of honour, or be happy in the other world, if he continued in the breach of his oath, and outraged so near a relation: besides, as this historian adds, the pope had enjoined the earl to be true to the oath which he had sworn before the king his father; but with what grace or consistency the pope could do this, is hard to account for, if we consider his late support of king Stephen's pretensions. If it be said the pope was now

Malmsb.
Hist. No-
vell. l. 1.
fol. 102.

A. D. 1138.
*Robert, earl
of Gloucester,
dissatisfied
with his new
oath, and
defies king
Stephen.*

Malmsb.
ibid.

better informed of the empress's right, this will only give him the commendation of an honest penitent; but then his rashness in confirming Stephen's title, before he had examined the matter, can never be excused.

MAUD,
the
Empress.

Many of the nobility in the southern parts now declaring against king Stephen, and giving him a diversion, David, king of Scots, takes hold of the opportunity, and invades England with a numerous army. Thurstan, archbishop of York, raised the nobility of the north to stop the progress of this enemy. The English, having drawn together a considerable body, set up the royal standard near North Allerton, making choice of that place for the field of battle. The archbishop of York sent an order to all the parish priests of his diocese to repair to the army with crosses, colours, and holy relicks, and to carry as many as they could engage along with them. The archbishop's sickness prevented his coming into the field in person; however, he took care to send Ralph, bishop of the Orcades, in his stead. This prelate, when the enemy appeared, and the armies were going to charge, stood upon an eminence in the midst of the English troops, and encouraged them with the speech following:—

Thurstan, archbishop of York, raises the north against the Scots.

Ethelred Abbas Rieval. de Bello Standard. Col. 337.

Huntingt. Historiar. l. 8. fol. 222.

“My lords, you have the honour to be peers of England, and Normans by extraction; I mention this last addition, because those who are just ready to give the onset ought to recollect the advantage of their original. I desire you would consider the place where, and the enemy against whom you fight. The truth is, nobody has hitherto encountered you without misfortune; the French, brave as they are, have been glad to retire, and resign you part of their territories. The old English, notwithstanding they had a rich country to encourage them in their defence, were forced to submit to your valour, and own you for their masters. The province of Puglia has recovered its ancient splendour under your conquest, and the famous cities of Jerusalem and Antioch have been forced to surrender and set open their gates to you; and now Scotland, which is by right but an English province, has the hardiness to make an offensive expedition, and endeavours to drive you from your own dominions. But alas! the preparation of the enemy is little better than

Ralph, bishop of Orcades', speech to the English army.

their cause ; they seem to have nothing but their own rashness to support them, and appear better fitted for squabbling than fighting. If you examine the matter, you will find there is neither conduct in the officers nor discipline in the soldiers ; in short, we have more reason to be ashamed than afraid at what we are going about. I say ashamed, that those people whom we have always beaten in their country should be so hardy and hot-headed as to attack us in our own ; however, I am strongly persuaded that divine Providence has infatuated them to this undertaking, that those men who have profaned churches, stained the altars with the blood of the slain, killed the priests, and spared neither women nor children, that those men, I say, should be punished, and fall in the same country where they had committed such horrid barbarities ; and God, I doubt not, will this day make you the ministers of his vengeance upon them. Be brave, therefore, gentlemen, and charge this savage enemy with the customary courage of your ancestors ; or rather let the consciousness of a good cause and the countenance of heaven animate your resolution. Be not surprised to find the enemy not discouraged by so many defeats, and that they have still the boldness to make head against us ; for rashness, without other accoutrements, is a poor defence. These Scots have neither arms, nor skill to handle them ; whereas you are trained to the art and exercise of war, you are armed cap-a-pee, and, as it were, sheathed in iron, so that the enemy will be at a loss where to make a blow at you. March, therefore, and never question falling on upon a naked rabble. Are you apprehensive of their numbers ? There is no reason for that ; for victory does not depend upon the poll, or telling of noses. A multitude is oftentimes a disadvantage, it is more difficultly governed, and is neither well prepared for victory or misfortune ; it hinders pursuit in the one case, and retreat in the other : besides, your ancestors have often conquered against great disadvantage of numbers. Indeed, what signifies illustrious birth, martial skill, and good discipline, unless it makes a few of you an over-match for a great many ? But it is time to break off, for now the enemy, which I am glad to see, begins to advance in a broken unmilitary order, and looks more like tumult than war. Having, therefore, a commission to re-

present your archbishop, if any of you happen to fall in the field, you, I say, who have the honour to fight in the cause of God and your country, and to revenge the outrages done to religion, I absolve you from your sins, in the name of the Father, whose creatures the enemy has most barbarously destroyed, and of the Son, whose altars they have profaned, and of the Holy Ghost, from whose grace and guidance they have made so flagitious a revolt."

MAUD,
the
Empress.

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To this all the English army shouted Amen, Amen.

Upon this, the two armies charged with great fury, and the fight was obstinately maintained for some time; but at last the Scots were broken, and the victory remained to the English, who cut above ten thousand of the enemy in pieces, with little loss of their own. This battle was fought in August.

This year, in December, there was a synod held at Westminster under Albericus, the pope's legate. This Albericus, bishop of Ostia, had been some months in England, and made a visitation in several dioceses. At his first arrival, his credentials being read before the king and the lords, they demurred to his authority; but at last, out of regard to the pope, his character was owned. However, as Gervase of Canterbury relates, the king took it ill, that his brother, the bishop of Winchester, should be struck out of his legatine commission, which he had hitherto enjoyed during the vacancy of the see of Canterbury. But Malmsbury, who lived at this time, makes his legatine authority of a later date.

*A synod at
West-
minster,
under Al-
bericus, the
pope's
legate.*

*Chronic.
Gervas. col.
1344.*

Some short time before the meeting of the synod, Albericus, the legate, sent a summons to the prior, convent, clergy, and laity of Canterbury, about the election of an archbishop. He orders his letter of summons to be read on the first Sunday of Lent, before all the clergy and people of Canterbury; and that after they had prepared themselves for the matter in hand by prayer, fasting, and distributions of charity, they should take care to think upon such a person, against whom there could be no objection made from the canons; such a person, to whose election the bishops of the province ought to consent, and whom the king could not reasonably refuse. He therefore enjoins them, in the pope's name, to pitch upon proper delegates for this business, to

THEO-
BALD,
Abp. Cant.
Chronic.
Gervas. col.
1346.

furnish them with powers to represent the whole body, and send them to London about the middle of Advent.

From hence it appears that the election of bishops was left, in a great measure, to the respective chapters, and not tied up to the direction of a *conge d'elire*.

The synod was opened at Westminster on the 13th of December; it consisted of seventeen bishops and thirty abbots, besides a numerous appearance of inferior clergy and laity. The legate Albericus presided, and after the dispatch of other business, there were sixteen canons drawn up, several of which, being the same with those in former synods, need not be repeated.

By the eighth canon, those clergymen that used the diversion of hunting, or managed secular business to enrich themselves, were to be suspended *ab officio et beneficio*.

By the ninth, if any person killed, imprisoned, or assaulted any clerk, monk, nun, or other ecclesiastical person, he was to be excommunicated; neither should it be lawful for any person but the pope to give him absolution, unless at the point of death.

The twelfth prohibits the clergy practising the profession of arms, and serving in the field.

By the sixteenth, those schoolmasters who put others in their places are forbidden taking any money for the substitution.

Id. col.
1348.

Theobald
chosen arch-
bishop of
Canterbury.

After the breaking up of the council, Jeremy, prior of Christ's Church, Canterbury, with some others of the convent, being summoned to court, chose Theobald, abbot of Bec, in Normandy, for their archbishop, the king, several of the bishops and temporal nobility, being present. Henry, bishop of Winchester, is said to have expected this preferment for himself, and was disgusted at the disappointment.

Ibid.

Theobald, upon his election, went to Canterbury, and was consecrated in January, by the legate Albericus; and soon after took a journey to Rome with the legate for his pall. He was honourably received by pope Innocent II., and, as the author of the *Antiquitates Britannicæ* reports, had the title of *legatus natus* bestowed upon himself and his successors. If the fact stands thus, which I question, this favour was no more than an empty title; for, it is certain,

Antiquit.
Britan. in
Theobald.

Henry, bishop of Winchester, had both the character and authority of the pope's legate, and made Theobald very sensible of his superiority upon this score, as this writer himself confesses.

MAUD,
the
Empress.

Id. p. 128.

To proceed: about this time there was a synod held at Rome under pope Innocent II., at which Theobald, archbishop of Canterbury, Simon, bishop of Worcester, Roger, bishop of Coventry, Robert, bishop of Exeter, and Reynald, abbot of Evesham, were present, upon a summons from the pope for that purpose. They are said to have received great satisfaction at this synod, and to have brought a copy of the canons into England at their return.

Continuat.
Florent.
Wigorn. ad
An. 1139.

Now, since there was a representation of the English Church at this council, I shall mention one or two of the canons which have not occurred already.

By the twelfth canon, the truce called the Truce of God, or a cessation of arms, was to begin from Wednesday sunset to Monday sun-rising; and to continue from Advent to the octaves of Epiphany, and from Quinquagesima Sunday to the octaves of Easter. And if any person broke this truce, and refused to give satisfaction after the third admonition, the bishop of the diocese was to excommunicate him, and certify the excommunication to the neighbouring bishops. Neither was any bishop to admit the excommunicated person into communion under the penalty of deprivation.

331.

The twenty-eighth canon takes notice, that, by the constitution of the ancient Church, vacant sees were to be filled up within three months; and decrees, that the canons of the chapter should not exclude the religious from having a share in the choice of a bishop; and that elections otherwise managed, should be reputed void.

The thirtieth and last canon declares the ordinations made by Anacletus and other schismaticks and hereticks, null and void.

This year, as Malmsbury reports, king Stephen began to shew his temper and discover his disaffection to the Church. It was now strongly discoursed that Robert, earl of Gloucester, and the empress his sister, were ready to embark for England. King Stephen being deserted at this juncture by a great many of the English, began to act in a very arbitrary manner, seized a great many persons of condition,

Concil.
Labbe. et
Cossart.
tom. 10. p.
1005, 1009.

THEO-
BALD,
Abp. Cant.

upon bare suspicion, forced them to surrender their castles, and submit to what terms soever he thought fit to put upon them.

*The bishops
of Sarum
and Lincoln
imprisoned.*

At this time, Roger, bishop of Salisbury, and his nephew, Alexander, bishop of Lincoln, were prelates of great figure and interest. Alexander had lately built Newark castle for an ornament and defence of the diocese. Roger, who, it may be, was somewhat tinctured with the vanity of building, had built a palace at Sherburn, and another at the Devizes, in the figure of a castle. He had likewise begun a castle at Malmsbury, near the abbey church. And having procured a grant from king Henry, of the castle of Salisbury, he had made it a garrison for his own security.

Malmsb.
Hist. No-
vell. l. 2.
fol. 102.

Some of the temporal lords perceiving themselves outshone by the clergy in wealth and grandeur, grew envious at the disadvantage. Upon this disgust, they complained of the bishops to king Stephen; told him that the bishops' building of castles was an expensive ambition, very foreign to their character; that it was pretty evident all this was done to disserve and ruin the king; and that, when the empress made a descent, the prelates would not fail to put these places of strength into her hands. It was therefore the king's interest to be beforehand with them, and force them to deliver up their castles, otherwise his highness would repent his lenity when it was too late. King Stephen, though seeming to disregard these discourses, was not displeased with them, as appears by putting this advice in practice upon the first opportunity.

*A quarrel at
Oxford.*

In the latter end of June, this year, there was a convention of the nobility at Oxford, at which the two bishops above mentioned were present. The bishop of Salisbury, as Malmsbury reports from his own mouth, was very unwilling to make his appearance at court, and had a strong presage the journey would prove unlucky, which happened accordingly. For now fortune, if we may call it so, gave the king a handle to execute his design, and crush the prelates. The bishop's servants, and those belonging to Alan, earl of Bretagne, happened to quarrel about their quarters. The bishop of Salisbury's men conceiving themselves disturbed in their inn, rose from dinner, and ran out to the other party: from words they came to blows, and swords'

drawing. In short, earl Alan's retinue was beaten, and his nephew dangerously wounded. Several of the bishops' men were likewise wounded, and one gentleman killed. The king being glad of this opportunity, ordered the bishops to make their appearance at his court, and answer for the disturbance occasioned by their servants; and here the penalty put upon them, was to deliver up the keys of their castles as a security for their good behaviour: the two bishops were willing to submit to the fine which was customary upon such occasions, but endeavoured to avoid the surrendering their castles. However, by confinement and rugged usage, they were forced at last to comply with the king's pleasure.

MAUD,
the
Empress.

Malmsb.
ibid. fol.
102, 103.

These proceedings of the court were differently relished; some said that the bishops, in building castles, had exceeded the liberty allowed by the canons, and therefore were rightly served in being disseized of them. That it was their business to preach peace, and procure good understanding in the world, and not to build forts to secure themselves in their misbehaviour. Hugh, archbishop of Rouën, flourished strongly upon this head, and made use of all his rhetorick to justify the court. Henry, bishop of Winchester, the pope's legate and the king's brother, was on the other side. This prelate urged, that if the bishops had done anything unjustifiable, they were to be tried by the canons, and not by the common law: that the cause ought to be heard in a synod, and that unless judgment passed against them there, they could not be legally ousted of their estates: that it was too apparent the king was governed by the regards of interest in this affair; that the castles were built with the revenues of the Church, and stood upon Church lands, and therefore it was a great hardship to put them into the hands of laymen, and especially of such laymen as had no good character, either for principles or morals. Such discourses as these, the legate had the courage to urge frequently on the king, and pressed him to discharge the bishops, and put them in possession of their estates. At last, finding this way of soliciting signified nothing, he ordered a council to meet at Winchester the twenty-sixth of August, and summoned the king to appear at it.

332.

A council at
Winchester.

THEO-
BALD,
Abp. Cant.

Malmsb.
ibid.

*The legate
complains of
the usage
put upon the
two bishops.*

Malmsb.
ibid.

At the opening of the council, where the archbishop of Canterbury and most of the bishops were present, the legate's commission was read; by which it appeared pope Innocent II. had given him that authority ever since the first of March, though the bishop had been so modest as to conceal his character for the greatest part of the time.

The legate complained, in a Latin speech, of the indignity of putting the bishops under an arrest: that it was a lamentable case the king should be so far misled by ill men, as to violate the protection of his own court, and lay hands upon men of the highest character in the Church: that such measures were very dishonourable to a crowned head: that the quarrel was principally against the bishops' estates; and that they were made guilty, only to be turned out of what they had: that these arbitrary strains of power were such an affliction to him, that he had rather run the utmost hazard, than suffer the episcopal dignity to be treated with such outrage and contempt: that he had frequently pressed the king to retrace this wrong step and make satisfaction, and that his highness had not refused him the convening of the council. He desired, therefore, the archbishop and the rest to consult upon the point, and come to a resolution about some expedient. And that, for his part, he should endeavour to put the orders of the council in execution: and that neither his relation to the king his brother, nor any prospect of prosecution or danger, should hinder him from doing his utmost in this affair.

While the legate was dilating upon this subject, the king sent some of the temporal lords to the council, to demand the reason of his being summoned thither? To this, the legate replied briefly, that the king, who was himself subject to the laws of Christianity, had no cause to be displeased at his being called by the ministers of Christ to make satisfaction for his late miscarriage; that such outrage to a holy character was altogether new and unprecedented in that age; that the imprisoning of bishops, and stripping them of their fortunes, used to be the business of none but Pagan princes: that things standing thus, the best thought he could suggest was, that the king should either defend his proceedings, or yield to the sentence of the canons. Be-

sides, he was particularly obliged to favour the Church, because it was her interest, and not any military force, which made his way to the throne.

MAUD,
the
Empress.

After the legate had delivered himself in this manner, the temporal lords withdrew, and returned soon after with the king's answer. They were attended by one Aubrey de Vere, a man learned in the law. This de Vere argued for the king, and laid what load he could upon Roger, bishop of Salisbury. He set forth, that this prelate had failed very much in his behaviour to the king; that he had very seldom given his attendance at the court; and that his servants and dependents, presuming upon their master's interest, had been mutinous and turbulent. And here, amongst other instances, he declaimed upon the late encounter at Oxford. He urged farther, that the bishop of Salisbury was a secret abettor of the king's enemies: that this disaffection, though managed with art, was discoverable by several instances, particularly from the bishop's refusing to afford the king's forces so much as one night's quarter at Malmsbury: that it was commonly reported, that upon the empress's arrival, the bishop and his nephews (the bishops of Lincoln and Ely) would put their castles into her hands: that the bishop of Salisbury was not seized as a bishop, but as the king's servant, who held offices of state, and received his highness's wages: besides, he pretended the castles were not seized by force, but yielded by composition. It was granted the king found some money in these places of strength: but then, this treasure, upon due enquiry, was all his own; the bishop having amassed all these riches out of the revenues of the exchequer in the late reign.

The proceedings of the court defended by Aubrey de Vere.

To this plea the bishop of Salisbury replied briefly, that he had never been servant to king Stephen, nor taken any wages of him; adding withal, in a menacing way, that if he could not have justice done him in that synod, he would try his fortune in a higher court. Upon this the legate undertook the cause, and delivered himself with great temper to this effect:

Malmsb. Hist. Novell. l. 2. fol. 103.

Ibid.

That all the heads of the charge brought in against the bishops, ought to be debated in a synod, before they were pronounced guilty, and punished. And therefore, according to the methods of civil courts, the bishops should be put

The legate's reply to de Vere.

**THEO-
BALD,**
Abp. Cant.

in possession of their estates : for, by common right, people ought not to be disseized of their property before the reasons of forfeiture are made good against them.

333.

*The arch-
bishop of
Rouen ar-
gues for
king
Stephen.*

The matter being thus argued on both sides, the king desired the resolution of the synod might be deferred for a day or two, till the archbishop of Rouën could be present. This prelate, at his coming into the council, declared the bishops might be allowed their castles, provided they could justify their title by the canons : but since this could not be done, it was great extravagance to insist upon that point. “ But supposing,” says he, “ the canons should not bar them this liberty, yet, according to the custom of other nations, the castles, in times of danger, are to be put into the king’s hands.” He pressed the bishops therefore with this dilemma, that either the canons allowed them to hold their castles, or they did not : if the canons did not allow this liberty, the dispute was at an end, and the bishops’ pretensions out of doors. But, in case they were not barred by any ecclesiastical constitution, yet they ought to submit to the necessity of the juncture, and put their places of strength in the king’s hands, who was to provide for the publick security. This reasoning of the archbishop made some impression upon the council, and weakened the interest of the bishop of Salisbury. And to make the synod still more cautious in pronouncing anything to the disadvantage of the court, Aubrey de Vere told them the king was informed that the bishops threatened to send some of their order beyond sea, and prosecute a suit against him at Rome ; but that if any of them presumed to undertake such a voyage against his highness’s pleasure, they might probably find it no easy matter to return. And that the king, being sensible of ill usage from the prelates, designed to complain to his holiness, and himself make an appeal to Rome. From this language the council understood the king’s mind ; and that he was resolved not to submit to the discipline of the canons. And thus the assembly broke up without coming to extremities with the court. For, in the first place, they thought it would be a rash expedient to excommunicate a prince without pre-acquainting the pope. And besides, they understood some of the barons began to draw, and brandish their blades. However, the legate and the archbishop of Can-

*The council
breaks up
without ex-
erting any
censure.*

terbury did what they could to prevent ill consequences. They cast themselves at the king's feet, and entreated him to have a regard for the Church; to consult his own honour and conscience; and not go into destructive measures, and bring on a fatal rupture between the crown and mitre. The king received the bishops with respect, and promised them fair, but nothing was performed.

MAUD,
the
Empress.

Upon the 30th of September, and about a month after the breaking up of the council, Robert, earl of Gloucester, with his sister, the empress, landed upon the coast of Sussex. They appeared with a very slender force, having not above a hundred and forty horse at their coming on shore; inso-much that, as Malmsbury reports, they had little but a good cause to depend on. The empress was received in Arundel castle: and earl Robert made his way through the country as far as Bristol, only with twelve horse in his company. The empress was, in some measure, deceived by the queen dowager her mother-in-law, who, it is probable, had promised her a body of troops at her landing; but instead of assistance, she was quickly besieged in Arundel castle. But king Stephen, either being overruled by ill advice, or finding the castle impregnable, gave the empress a safe conduct to march to Bristol to her brother.

Malmsb.
fol. 104.

*The empress
lands.*

Malmsb. ib.

Ibid.
Huntington
Hist. l. 8.
fol. 223.

In the latter end of this year, Roger, bishop of Salisbury, departed this life. It was thought his late misfortunes occasioned his death. The first account we hear of this prelate, is of his being a parish priest in the suburbs of Caen. The lord Henry, who was afterwards king, coming into his church with some of his soldiers, Roger hurried the prayers with so much dispatch, that the soldiers were mightily pleased with the expedition; and recommended him to the young prince as an admirable army chaplain. This prince encouraged him, in a jesting way, to go along with him; which Roger thought fit to interpret in earnest. And now being constantly among the lord Henry's retinue, and skilful enough in making his court, he became a great favourite with his patron: insomuch that he intrusted him with the care of his domesticks, and made him comptroller of his household. And when he came to the throne, he thought no preferment too much for him. He made him chancellor of England at the first, and afterwards bishop of

*The death
of Roger,
bishop of
Salisbury.*

*His charac-
ter.*

THEO-
BALD,
Abp. Cant.

Malmsb.
l. 5. fol. 91.

Godwin in
Episc. Sa-
risburiens.

334.

Godwin ib.

Malmsbur.
Hist. No-
vell. l. 2.
fol. 104.
Nubrigens.
l. 1. p. 21.

Salisbury. In short, he was treasurer, comptroller, and chancellor, when the king was at home; and when his highness went into Normandy, the whole administration was put into his hands. These great posts gave him an opportunity of raising his friends and relations to places of honour and trust. Thus he preferred one Roger, a near relation, to the chancellorship of England. His two nephews likewise, Alexander and Nigellus, were promoted to considerable bishopricks; the first to Lincoln, and the other to that of Ely. Malmsbury gives this prelate the commendation of a man of integrity, and great application to business; saying that he managed with such capacity and exactness under king Henry, that nobody seemed so much as to envy his greatness. However, after the death of this prince, he prevaricated grossly, and, as bishop Godwin observes, had nothing of religion, gratitude, or loyalty in him. For, it seems, he was the man that put Stephen upon the project of usurpation; and swore in with the first, as if he had been ambitious to debauch the subject, and make himself a precedent of perjury. By this compliance he became a great favourite at king Stephen's court: but, as we have seen, in two or three years' time the tide turned. His castles were wrested from him, his wealth plundered, and himself imprisoned. Roger, the chancellor, who, as some will have it, was too much his relation, was laid in irons, and had a rope put about his neck. And what hardships his nephews Alexander and Nigellus met with, have been already observed. In short, he was a lively instance of the instability of human greatness, and seems to hold forth this doctrine, that strains of conscience, and principles of interest, are not always the surest measures to establish a fortune. As for the rencounter at Oxford, which gave a handle for his ruin, it was thought the quarrel was contrived by king Stephen; but how little soever of such usage he might deserve from this prince, the latitude of his morals, and the overgrown bulk of his fortune, made him fall without pity.

The next year, Thurstan, archbishop of York, departed this life. He continued in this see five and twenty years; and perceiving himself almost worn out with age and business, he resigned the archbishoprick, took the habit of a monk at Pontefract, and died there about a month after. To

what has been said of this prelate, we may add, that it was principally by his encouragement that the abbeys of Fountain and Rydal were founded.

MAUD,
the
Empress.

And now the kingdom was miserably harassed by the contest between the empress and Stephen: the possessors of castles, which were very numerous in this reign, sallied upon the neighbourhood, ruined the poor country people, and rifled the churches; so that, in short, there was nothing but slaughter, beggary, and desolation to be met with. And the license of the armies was so great, that those of the most privileged character were not secure from outrage, in travelling from one village to another.

Stub. Act.
Pontif.
Eborac.
Nubrigens.
Rer. Anglic.
l. 1. c. 14.

Ibid. fol.
105.

The legate, endeavouring to put a stop to these confusions, set a treaty on foot between the empress and king Stephen. They met near Bath, the legate and the archbishop of Canterbury being two of king Stephen's commissioners. The empress confiding in a clear title, was willing to refer the dispute to the bishops; but Stephen would by no means agree to that proposal. The legate, upon the failing of this expedient at home, made a voyage into France, to try the interest of foreign princes. And after having proposed the case to the king of France, and to his eldest brother, Theobald, earl of Blois, he returned, and brought a draft for a treaty of peace along with him. But what the terms were is not mentioned by our historians: however, the empress was willing to sign the articles; but king Stephen threw in delays, and at last broke off the negociation. The legate finding accommodation impracticable, waited the event, and moved no farther.

A. D. 1140.
A treaty between the empress and Stephen, but without success.

And now the war revived, and the nation began to bleed afresh; but to relate the particulars of these civil confusions is not the design of this work: however, something of this kind must now and then be mentioned to make the history of the Church more intelligible.

To proceed: the beginning of the war proved unfortunate to king Stephen; for sitting down before Lincoln, with a design to surprise the earl of Chester, he was defeated by the earl of Gloucester and taken prisoner. He was carried to the empress at Gloucester, and from thence removed to Bristol, where, at first, he was treated with honour and good

A. D. 1141.
Malmsbur.
Hist. Novell. l. 2.
fol. 106.
King Stephen taken prisoner at Lincoln.

THEO-
BALD,
Abp. Cant.

usage; but afterwards, endeavouring to make his escape, they thought fit to secure him in irons.

And now the empress having her rival in her hands, sent her agents to the nobility, put them in mind of their oath of allegiance, and required to be recognised as their sovereign. At last both parties agreed to a conference upon Winchester downs. At this meeting, the empress, to engage the legate, gave him an assurance by oath that the great affairs of the kingdom should be managed by his direction; and, particularly, that the bishopricks and abbeyes should be disposed of as he thought fit. All this was promised him on condition he would own her for queen, bring the Church along with him, and prove firm in her service. This, without doubt, was a great encouragement for the bishop to do his duty: he made no scruple therefore to recognise her as queen, and give her the securities of a subject. Though, after all, he engaged no farther than a conditional allegiance, promising to own her for sovereign as long as the articles were kept. The next day, which was the third of March, the empress was solemnly attended to the cathedral of Winchester; the legate leading her into the church by the right hand, and Bernard, bishop of St. David's, by the left: the bishops of Lincoln, Hereford, Ely, Bath, several abbots, and other great men, being likewise present.

*Maud, the
empress, re-
cognised by
the legate.
Malmsb. ib.*

Some few days after, Theobald, archbishop of Canterbury, waited on the empress at Winchester; but deferred to recognise her and do homage: he fancied, that without king Stephen's leave, such an acknowledgment would bring him under the imputation of inconstancy. To avoid this scandal (as it seems he thought it) he procured leave to consult king Stephen, most of the prelates and some barons going along with him. King Stephen, being a prisoner, consented to an indulgence; told them they might submit to the disadvantage of the times, and go the length of the legate's precedent.

335.

*A council at
Winchester.*

At the octaves of Easter there was a great council of the bishops and abbots held at Winchester; the archbishop of Canterbury was there, but the legate presided. Malmsbury, who was at this synod, reports, that those prelates who were

absent, sent proxies and letters of excuse. At the opening of the council, the legate made a speech to the purpose following:—

MAUD,
the
Empress.

“ That having the honour to represent the pope, he had convened the English clergy to consult on some measures for the benefit of the publick.” From hence he proceeds to mention the happiness of his uncle king Henry’s reign. That this prince, some few years before his death, obliged all the bishops and barons of England and Normandy to swear to the empress’s succession, provided he should de-
cease without issue male. That this happened to be the case when this prince died in Normandy. That the empress being out of England at her father’s death, his brother Stephen was permitted to reign, to prevent disturbances in the kingdom. That himself (the legate) undertook for his good government; that he would treat holy Church with regard, support the serviceable part of the constitution, and repeal such laws as were oppressive. But, alas! he found himself extremely disappointed in his brother; that he was almost ashamed to report his administration, and how he connived at the license of ill men; insomuch that in a year’s time, the advantages of government were quite lost, and peace, in a manner, banished from all parts of the kingdom. The bishops were imprisoned against law, and forced to part with their estates. Abbeyes were set to sale, and churches plundered of the holy treasure. That good men were quite out of fashion at court, and everything overruled by evil counsellors. He proceeded to put them in mind how often he had remonstrated against these miscarriages, but without effect. That notwithstanding he was to preserve an affection for his brother, yet no regards of blood and relationship ought to be preferred to God Almighty’s service. That now Providence had, as it were, given sentence against his brother, by suffering him to be defeated, and lose his liberty. Things standing thus, he thought it proper to convene them, to prevent the confusions of anarchy. He told them that yesterday he had treated privately with the majority of the clergy, who, by the constitution, had a principal share in the direction of this matter; and therefore, having addressed God for his blessing, he declared the empress, daughter of the illustrious king Henry, queen, engaged the allegiance of

*The legate’s
speech.*

THEO-
BALD,
Abp. Cant.

Malmsbur.
Hist. No-
vell. l. 2.
fol. 105.

the convention to her, and promised to stand by her with life and fortune.

When this speech was ended, and all the audience had either shouted their assent, or, at least, forbore to give any signs of contradiction, the legate told them that he expected the Londoners in a few days, and had sent them a safe conduct for that purpose.

The London commissioners came according to expectation, and petitioned the council that king Stephen might be set at liberty; suggesting that all the barons who had entered into an association with their city earnestly desired that the legate, the archbishop, and all the clergy, would use their interest for that purpose. The legate repeated his speech to them by way of answer; adding withal, "that it was by no means reputable for the Londoners, who made so considerable a figure in the commonwealth, to solicit for that party which had deserted their general, and advised his maladministration, and who pretended a regard to the Londoners for no other reason than to get into their pockets."

Malmsb.
ibid. fol.
106.

*The hardi-
ness of one
Christian, a
clergyman.*

Before the recess of the council or convention, a certain clergyman, who officiated in king Stephen's queen's court, had the resolution to deliver a paper to the legate from that princess, in which she entreated all the clergy, and particularly the legate, to move for the restoration of king Stephen, who had been barbarously used, and laid in irons by his own subjects. The legate, having looked over this paper by himself, told the council that the contents of it did not deserve to be communicated; upon which the court chaplain takes his paper, and reads it boldly to the audience; and when he had done, the legate silenced the motion with the same answer which he had given before to the Londoners.

Ibid.

*The empress
recognised
by the
council.*

Hunting.
Historiar.
l. 8. fol. 225.

The empress, being thus recognised by the council, was received in her progress with great demonstrations of loyalty, and owned by all the kingdom, excepting the county of Kent. The legate for some time attended her, and made part of her court; but it was not long before there happened a misunderstanding between this prelate and the empress, which, as Malmsbury reports, was the main cause of all the ensuing calamities. The occasion of the rupture was this:

the legate desired the empress would make a grant of the earldoms of Boulogne and Mortaigne, in Normandy, to his nephew Eustachius, son to the pretender king Stephen. Being refused in this request, he was so far disgusted as to absent himself from the court, and enter into a private intelligence with king Stephen's queen. In short, he changed his side, and absolved all those he had excommunicated in the council for rebellion against the empress; he absolved them, I say, without so much as consulting the bishops upon the point. He likewise took care to spread a report, as if the empress designed to seize his person; that she had mismanaged her success, broken her word with the barons, and that, therefore, he looked upon himself as disengaged from his oath of allegiance.

MAUD,
the
Empress.

*The legate
revolts from
the empress.*
336.

Malmsb. ib.
fol. 107.

The legate having thus far declared himself, the empress endeavoured to regain him to her interest. To this purpose, she took a journey from Oxford to Winchester, to discourse with him; but this prelate, being conscious of his misbehaviour, refused to attend her; upon which he was besieged in his castle. But the Londoners and disaffected barons drawing down a great force to his relief, she was obliged to break up the siege; and, which was still more unfortunate, the earl of Gloucester, posting himself in the rear, to secure her majesty's retreat, was taken prisoner. At this siege of Winchester castle, king Stephen's party burnt two monasteries and forty parish churches in Winchester, together with the greatest part of that city. King Stephen's queen treated the earl honourably, tempted him highly, and offered to make him first minister of state, provided he would disengage from the empress. To this the earl very generously replied, that he was under the jurisdiction of another, and not at his own disposal; therefore, being tied by such pre-engagements of duty, he was in no condition to receive proposals of that nature. At last they moved for an exchange between him and king Stephen, which he would by no means consent to, till the empress pressed him to accept it. And since the other party insisted that king Stephen, in respect to his quality, might be first set at liberty, the earl, having no reason to rely on the honour of that prince, obliged the legate and archbishop to give him their oath, that in case king Stephen, upon his enlargement, should

Malmsb.
Hist. No-
vell. l. 2.
fol. 108.

Continuat.
ad Florent.
Wigorn. ad
An. 1141.
Malmsb.
Hist. No-
vell. l. 2.
fol. 107.

Ibid. fol.
109.

THEO-
BALD,
Abp. Cant.

break his articles, and keep him prisoner, they should both surrender themselves to the empress's party, to be secured as the earl should think fit. He likewise, for his farther security, procured a paper, signed and sealed by the prelates above mentioned, and drawn up, by way of letter, to the pope, in which they informed his holiness of their engagements to the earl of Gloucester; and in case the misfortune, to which they had made themselves liable, should come upon them, they entreated the pope to interpose his authority, that both themselves and the earl might be set at liberty.

Ibid.

*A synod at
Westminster.
A. D. 1141.*

The legate, having succeeded thus far, summoned a council at Westminster, which met accordingly upon the octaves of St. Andrew's. Malmsbury, though not present at this council, makes a report of what was transacted there. He informs us, that a letter from the pope was read in the synod, in which the legate was gently reprimanded for not soliciting for his brother's liberty; however, his holiness was willing to overlook what was past, provided he made his utmost effort to accomplish that business. King Stephen likewise came in person to the council and made a tragical complaint, that his subjects, to whom he had never refused anything that was reasonable, were so hardy as to make him their prisoner, and, what was more, had almost destroyed him with the barbarity of their usage. After this, the legate made a very rhetorical harangue to justify his late compliance. He endeavoured to purge himself to his brother, by alleging, that his transactions with the empress were altogether involuntary; that he was surprised by the speedy march of her army, and forced to a conditional submission; that this princess had since broken all her articles with the Church; and, as he was credibly informed, had encouraged an attempt upon his life; but that God in his mercy had preserved him, and disappointed her designs. He therefore commands them, in the name of God and the pope, to give the king their utmost assistance, and to excommunicate those who disturbed the publick peace and adhered to the countess of Anjou (for so the empress was now styled); however, he was so civil as to except her person from this Church censure.

*The legate
endeavours
to purge
himself to
his brother.*

Malmsb.
ibid. fol.
108.

This speech, though not relished by all the clergy, yet

either fear or regard to the legate's person restrained them from contradiction. However, there was an agent of the empress's, who charged the legate, on his allegiance sworn to his mistress, not to determine anything in the synod against the honour and interest of her majesty; that he ought to recollect the solemn engagements he was under not to assist his brother Stephen to the prejudice of the empress, nor ever furnish him with any supplies above twenty horse; that the legate had written several letters to the empress, to invite her into England; that the taking king Stephen prisoner, and keeping him under durance, was done by his connivance.

MAUD,
the
Empress.
The em-
press's
agent chal-
lenges the
legate upon
his allegi-
ance.

The agent delivered this, and much more to the same purpose, with great plain dealing and exhortation. But the legate, being a man of temper, and resolved to pursue his new measures, neither concerned himself about a reply, nor took any notice of the provocation.

Malmsb.
Hist. No-
vell. l. 2.
fol. 108.

This year, or it may be the last, Geoffrey, surnamed Rufus, who was first chancellor of England, and afterwards bishop of Durham, departed this life, and was succeeded by William de St. Barbara, about three years after.

Angl. Sacr.
pars l. p.
709, 712.

The next remarkable occurrence in the history of the Church is the council at London; it was convened by the legate, bishop of Winchester, who presided in it. This synod was called to give a check to the sacrilege and barbarities of the war. To this purpose there was a canon passed, that whosoever violated the privileges of a church or churchyard, or seized the person of a clergyman or monk, should be excommunicated, *ipso facto*, and not receive absolution from any prelate, excepting the pope. It was likewise ordained, that the husbandman and plough should be under the same protection in the field as is enjoyed by those who retire into a churchyard. A husbandman's being thus protected from the outrages of the war was part of the privilege of the Truce of God mentioned in the late council at Rome. This truce, notwithstanding the heat of the contest between the empress and Stephen, was strictly observed. Thus Malmsbury informs us that the holy seasons of Advent and Lent brought a cessation of arms, and made the troops retire into their quarters. Thus the force of religion gave an intermission to the miseries of the war, sheathed

337.

A council
at London.
Huntingt.
Histor. l. 8.
Mat. Paris,
Hist. Angl.
p. 79.
Nubrigens.
l. 1.

A. D. 1143.

THEO-
BALD,
Abp. Cant.

*A clash be-
tween the
archbishop
and the le-
gate.*

Nubrigens.
Rer. Anglic.
l. 1. c. 10.

Gervas.
Dorobern.
Act. Pontif.
Cantua-
riens. in
Theobald.
Ibid.

*The canon
law first
professed in
England.*

A. D. 1144.
*A design of
pope Lucius
to make
Winchester
an arch-
bishoprick.*

Rudburn
Hist. Ma.
Winton.
Angl. Sacr.
pars 1.
p. 285.

Annal.
Waverley,
p. 161.
A. D. 1145.

Alford An-
nal, vol. 4.

A. D. 1146.
*The Præ-
monstraten-
ses settled in
England.*

the sword for some time, and kept the people from cutting throats through all the seasons.

And now the archbishop of Canterbury and the bishop of Winchester prosecuted each other at the court of Rome. These two prelates, having particular advantages upon the score of their different characters and commissions, frequently clashed with each other. Theobald, the archbishop, looked upon it as a great diminution to his see to be under the jurisdiction of his suffragan. On the other side, the bishop of Winchester, being the pope's legate and the king's brother, bore himself high upon these distinctions, and carried his authority, to speak softly, to the utmost stretch. Theobald, therefore, to disengage himself from this pressure, prevailed with pope Celestine II. to discharge Henry of Winchester, and give the legatine commission to himself. This occasioned great disputes and appeals to Rome, not practised before.

About this time the study of the canon law was brought into England: one Vacarius being the first that professed this faculty in Oxford.

Pope Lucius, as Rudburn reports, though he is two years mistaken in the time, sent a pall to Henry, bishop of Winchester, with a design to erect that see into an archbishoprick, annexing the seven dioceses to it which formerly lay within the kingdom of the West Saxons; but this new jurisdiction being generally disliked and complained of, the pope thought fit to let the project sleep, and wait for a better opportunity. But his popedom lasting but one year, he had no time to put this design in execution.

This year the Jews are said to have crucified a Christian child, called William, at Norwich.

The monastery of Boxley, in Kent, was founded in the year 1145, by William de Ipres: it was furnished with monks from Clareval, and put under the protection of the blessed Virgin.

The next year the order of the Præmonstratenses was brought into England, and settled at New-house, in Lincolnshire. The founder of this order was one St. Norbert, extracted from a noble family in the diocese of Cologne. He was educated suitably to his quality, and lived for some time at the emperor Henry the Fifth's court. About thirty years

of age he was ordained deacon and priest; and soon after, entering upon a very strict and mortified way of living, he resigned his church preferments, and distributed a large patrimonial estate to the poor. Upon this, he took the rule of St. Augustine upon him, and retiring with thirteen companions to a place called Præmonstratum, in the diocese of Laon, in Picardy, he began his order there. This ground, with a chapel of St. John the Baptist's, was given to St. Norbert by Bartholomew, bishop of Laon, with the approbation of Lewis the Gross, king of France, who gave the Præmonstratenses a charter of privileges. The place was called Præmonstratum, because it was pointed out for the capital mansion of this order by the blessed Virgin, who likewise, as it is said, appointed them their white habit. In the year 1124, St. Norbert was obliged to quit his retirement and combat the heresy of Tancheline at Antwerp, in which employment he proved very successful. After this, he was, as it were, forced upon the archbishoprick of Magdeburg, and became very instrumental in propagating the Christian religion through the northern parts of Germany.

MAUD,
the
Empress.

Baron. An-
nal. tom. 12.
sect. 15. ad
An. 1120.
Monas. An-
glican. vol.
2. p. 579. et
deinc. ad
p. 587.
Brompton
Chronic.
col. 1043.

Upon the death of Asceline, or Anselm, bishop of Rochester, Walter, archdeacon of Canterbury, and brother to archbishop Theobald, was elected to that see. He was chosen, according to custom, in the chapter-house of Canterbury, by the monks of Rochester, the archbishop being present, and nominating the person. Bishop Godwin affirms, that Theobald transferred his right of electing the bishop of Rochester to the monks of that see: but this is a mistake; for, as Gervase of Canterbury reports, the bishop of Rochester, according to ancient custom, was always elected in the chapter-house of Canterbury by the convent of Rochester, governed by the archbishop's direction. When the election was over, the new bishop was obliged to take an oath of fidelity to the see and archbishop of Canterbury, never to attempt anything prejudicial to the honour and dignity of the Church of Canterbury. It was likewise the custom, upon the death of the bishop of Rochester, for the convent of that see to carry the pastoral staff to Christ's Church, Canterbury, and lay it upon the altar; and upon the vacancy of the see of Canterbury, or the absence of the archbishop, the bishop of Rochester was

*The bishop
of Rochester
nominated
by the arch-
bishop of
Canterbury.*

THEO-
BALD,
Abp. Cant.
Chron.
Gervas. col.
1362.
A. D. 1148.
Angl. Sacr.
part 1. p.
345.

*Archbishop
Theobald
goes to the
council of
Rheims,
though for-
bidden by
king Ste-
phen.*

Chron.
Gervas. col.
1363.

Stubs Act.
Pontif. Ebo-
rac. col.
1721.

*William,
archbishop
of York, de-
posed, and
Murdac
consecrated.*

to manage and officiate in his room, provided the convent of Canterbury desired him to take that employment. The election of this Walter is fixed to the year 1147 in Gervase's Chronicon; but the learned Wharton proves it ought to be placed a year forward.

This year pope Eugenius III. travelled into France, and held a council at Rheims. To this council the pope summoned the archbishop of Canterbury, and the bishops of Worcester, Bath, Exeter, and Chichester. Theobald applied to the king for his leave to take this journey, but was refused. The archbishop, conceiving himself obliged to attend the council, resolved to venture the king's displeasure, and undertake the voyage: however, the ports were strictly guarded to stop his passage. The bishop of Winchester, who had a pique against the archbishop, availed himself of the juncture, heightened the king's resentment, and brought Theobald under this dilemma, that in case he undertook the voyage he should forfeit his estate and be thrown out of the protection of the laws; or, if the prospect of these penalties happened to overawe him and keep him at home, the pope would punish him for contempt, and either suspend or depose him for his non-appearance. Of these two inconveniences the archbishop, choosing rather to fall under the displeasure of the court, went incognito to the sea-side, and venturing himself in an open boat, arrived with great difficulty in France.

At this council, Henry Murdac, abbot of Fountain, with the delegates of the chapter of York, preferred an information against William, their archbishop, alleging that this prelate was forced upon them by king Stephen, and that neither his election nor consecration were according to the canon. But Stubs gives a different account of this matter, and reports that this William, who was treasurer and prebendary of York, was preferred upon the strength of his merit, and chosen by the majority and most reputable part of the chapter. However, St. Bernard, being gained by the representations of the other party, gave William a very hard character to pope Eugenius III., and prevailed with him to depose that prelate. He declaims against William as a person of scandalous behaviour; that, refusing to acquiesce in the sentence of Innocent II., he applied to his successor,

Celestine, imposed upon his holiness, and stole a consecration; that he made his way by force into the sanctuary of God, against conscience and canon, and in contempt of the holy see of Rome; and that it was not merit, but money and court interest, which procured him the mitre. With these satirical invectives he pursues archbishop William in his letters to Celestine II., and those written to his successor, Eugenius, are couched in the same strain of vehemence and dislike. Whether he deserved this harsh character or not, Nubrigensis, who wrote about this time, makes a great question. However, the reputation of St. Bernard, and the allegations of the other party, prevailed with the pope to depose William, though, as Gervase of Canterbury relates, the pope acted somewhat arbitrarily in this affair, and that the major part of the cardinals were against the sentence. The reason of his deposition is laid upon his being nominated by king Stephen before his election by the chapter.

MAUD,
the
Empress.

Baron. An-
nal. tom. 12.
sect. 23, 24.
ad An.
1140.

Nubrigens.
l. 1. c. 17.

Gervas.
Chronic.
col. 1363.

William being thus set aside, the chapter of York, by the pope's order, proceeded to another election. And here the prebendaries were divided, and made a double return. Hilary, bishop of Chichester, being chosen by one party, and Murdac above mentioned by the other. The dispute being brought before the pope, he confirmed Murdac's election, and consecrated him himself. As for William, he retired to Winchester after his deposition; and here, being honourably entertained by the bishop, his uncle, he lived privately till the death of Murdac, after which period we shall hear farther of him.

Ibid.

Ibid.

To return to Theobald. This archbishop, after the business of the council was over, set sail for England, and came to his see. King Stephen, then in London, being displeased at his arrival, went immediately to Canterbury; and here several messages passing between king Stephen and Theobald, and the proposals not being agreed to, the archbishop was banished. He went first into France, from whence, at the instance of king Stephen's queen, he removed to St. Omer's, that the king's agents might come to him with the greater convenience. During his stay here he consecrated Gilbert, elect of Hereford, two Flemish bishops assisting at the solemnity.

Archbishop
Theobald
returns into
England
and is ba-
nished.

After several unsuccessful attempts towards an accommo-

THEO-
BALD,
Abp. Cant.

339.

Gervas. ib.
A. D. 1148.

Nubrigens.
l. 1. c. 16.

Monast.
Anglic. vol.
2. p. 789,
790.

dation with the English court, the archbishop threatened the kingdom with the Church's censures. In the meantime his tenants and dependents were very roughly used, and the revenues of the see seized by the king's officers. Theobald, desirous to relieve his friends, came over into England, and was honourably received by Hugh Bigod, earl of Norfolk. And now all the country which acknowledged king Stephen was put under an interdict. Neither could the archbishop be prevailed on to revoke the sentence, till the difference between king Stephen and himself was made up. Upon his return to Canterbury he gave his benediction to Clarebald, abbot of Feversham, having first received a profession of canonical obedience from him. And here the four bishops of Worcester, Bath, Exeter, and Chichester, were present, having been lately released by the archbishop from the suspension they lay under for refusing to appear at the council of Rheims.

This year, Gilbert of Sempringham instituted the order of the Gilbertines, at Sempringham, in Lincolnshire. This Gilbert, as Nubrigensis and others represent him, was a person of extraordinary devotion, and particularly famous for laying down rules for the conduct of women: and having a design to refine upon the religious orders, and make some improvement that way, he applied to St. Bernard for his advice; and being now thoroughly furnished with scheme and fortune, he built two monasteries, and eight nunneries, stocked them with religious, and drew up orders for their behaviour. These Gilbertines were a branch of the Cistercians, wore the same habit, and were obliged to much the same method of life. Their order was confirmed by pope Eugenius III. These monks and nuns, living near together, were charged with misbehaviour, in the popedom of Alexander III., their founder Gilbert being then living. But William, bishop of Norwich, clears their reputation to that pope, and avers, from his own knowledge, that the calumny was without truth or colour; that there was no such suspicious correspondence between the religious; that the monks and nuns had no communication; that the prior himself was not so much as allowed to see or converse with the women, and that all precaution imaginable was taken to prevent miscarriage.

About this time Henry was sent by the empress, his mother, into Scotland, to his great uncle king David: and, being now sixteen years of age, was knighted by that king, at Carlisle, having first given him an assurance by oath, that when he came to the crown of England, he should put Newcastle and all Northumberland into the king of Scots' hands, and suffer him and his heirs to enjoy all the country between the rivers Tweed and Tyne, without claim or disturbance. After this agreement, Henry set sail for Normandy, and was recognised as duke by the nobility of that province.

MAUD,
the
Empress.

Nubrigens.
l. 1. c. 22.
Hoveden
Annal. pars
prior, fol.
280.

This year, Alexander, bishop of Lincoln, departed this life. He was bred with his uncle Roger, bishop of Salisbury; and being thus accustomed to a splendid way of living, he affected figure and grandeur more than was serviceable to his character. This fancy, as Huntington reports, made him over-liberal in his favours, and carried him too far in the expenses of his family; forced him sometimes upon racking his tenants, and did him disservice in his reputation. This failing excepted, he is said to have been a man of conduct, and every way fitted for his post. About a year before his death, St. Bernard, who probably knew his temper, wrote to him: in his letter, amongst other things, he cautions him, "not to be dazzled with the lustre of secular grandeur, not to look upon any worldly advantage as permanent; nor value his fortune more than himself. To guard against the flattery of prosperity, for fear of a turn of misfortune which will last much longer. Not to be charmed with the transient satisfactions of life; for that scene will be quickly shut up, and make way for another both lasting and uncomfortable." He advises him farther, "not to deceive himself with any distant prospect of death; that such delusive hopes lead directly to danger and surprise, and are the likeliest way to hurry a man into the other world without preparation: and thus, as the Scripture speaks, 'When they shall say, peace and safety, sudden destruction shall come upon them as upon a woman in her travail, and they shall not escape.'" This was very Christian advice, and sent at a seasonable time; for, as has been observed, Alexander died about a year after. To conclude with this prelate; the cathedral of Lincoln happening to be burnt when he was

Hunting.
Historiar.
l. 8. fol. 226.

Bernard,
Epist. 64.

Godwin in
Epist. Lin-
colniens.

THEO-
BALD,
Abp. Cant.

bishop, he rebuilt it at his own charge, and made it the most stately fabrick of that kind in England.

Biblioth.
Patrum,
tom. 12. p.
2. fol. 45.

After Alexander's death, Robert de Chesney, archdeacon of Lincoln, was elected, and consecrated about the latter end of September. Soon after his promotion, he received a congratulatory letter from Arnulphus, bishop of Lisieux, in Normandy, an old acquaintance of his. Arnulphus, presuming upon Robert's friendship, recommends the interest of Henry, duke of Normandy, to him, and to prevail with him to be serviceable to this young prince, who, he puts him in mind, was heir-apparent to the hereditary crown of England.

*The death of
Malachy,
archbishop
of Armagh.*

This year, Malachy, archbishop of Armagh, departed this life. He received his first education from Imar, an abbot of great austerity, and afterwards lived under the conduct of Malchus, bishop of Lismore. His first preferment was his abbacy of Bangor in Ulster; from whence he was elected to the see of Connor. Celsus, archbishop of Armagh, being upon his death-bed, appointed Malachy for his successor; which nomination took place after an intrusion by one Maurice for five years. Malachy having sat three years, resigned his archbishoprick to Gelasius: and about two years after took a journey to Rome to procure two palls; one for the see of Armagh, and the other for the new metropolis, erected by Celsus. Innocent II., then pope, made Malachy his legate for Ireland: but as to his request for the palls, he was dismissed with this answer, "That a grant of so great concern ought not to be passed without due solemnity, and the approbation of an Irish council." About nine years after, Malachy undertook a second voyage to Rome, but died upon the way at the monastery of Clarevall in France. St. Bernard, abbot of this house, has given us his life. This Malachy, amongst other things, wrote a prophecy concerning the popes, published by Arnold Wyon.

340.

Sir James
Ware's
Comment-
ary of the
Irish Pre-
lates, p. 10.

I shall conclude this year with the death of Roger Clinton, bishop of Coventry and Lichfield, who was very nobly extracted. This prelate ornamented and enlarged the cathedral, founded several new prebends, fortified the castle of Lichfield, and surrounded the town with a deep ditch. At last, taking the crusade upon him, he travelled to Jerusalem, and died at Antioch.

Angl. Sacr.
pars. 1. p.
434.

I must now proceed three years forward, and give a brief account of the martyrdom of Henry, archbishop of Upsal, in Sweden. The reason I mention this foreign prelate is, upon the score of his being an Englishman. He was consecrated to the see of Upsal by his countryman, cardinal Nicholas, afterwards pope, and now legate to Eugenius III. Baronius, speaking of this Henry, styles him bishop of Finland, the apostle of that nation, and that he converted the greatest part of them to Christianity. His martyrdom was occasioned by his exerting the censures of the Church upon a Finlander, guilty of murder. This criminal being a person of licence and violence, was provoked at the bishop's discipline, and soon after assassinated him.

MAUD,
the
Empress.
A. D. 1151.

Baron. An-
nal. ad An.
1151.

Alford. An-
nal. vol. 4.
pars 2. p.
54.

Robert de Sigillo died this year. He was preferred to the see of London by Maud, the empress, in the year 1141. When the Londoners revolted to king Stephen, the bishop, it seems, was required to take the oath of allegiance to that revolution, which he refused. That the case stood thus, appears by pope Eugenius's letter to king Stephen and his queen, in which the pope desires the bishop may be excused from taking an oath to king Stephen, alleging, that Robert could give no such security without prejudice to his conscience, and drawing a blemish upon his character. The reason of the bishop's being thus tied up, was, because of his pre-engagements of fidelity to Maud, the empress.

Concil.
Labb. et
Cossart.
tom. 10. col.
1070.

This year pope Eugenius sent cardinal John Papatus his legate, into Ireland, with four palls, for the erecting of four archbishopricks, assigning five suffragans to each metropolitan. This business, as the author of the Norman Chronicle reports, was altogether innovation, and a diminution of the rights of the see of Canterbury; the Irish prelates being always consecrated by that archbishop.

Chronic.
Norman.
p. 985.

Baronius, though omitting this circumstance, relates from Hoveden, that the four archbishopricks were Armagh, Cassel, Divelin, and Connath, and mentions, a manuscript in the Vatican, which treats the matter more at large.

Baron. An-
nal. ad An.
1151.

The council of London comes up next; it was held in Lent, under Theobald, archbishop of Canterbury and legate. King Stephen, his son Eustachius, and the temporal nobility, were at this synod: and here, as Huntington re-

Hoveden,
Annal. ad
An. 1151.

THEO-
BALD,
Abp. Cant.
Hunting.
Historiar.
l. 8. fol.
226.

ports, the council was disturbed with appeals to Rome; which sort of applications were not customary in England, till Henry, bishop of Winchester, set the precedent when he was legate.

*The arch-
bishop re-
fuses to
crown Eus-
tachius.*

King Stephen being desirous to perpetuate his injustice, and settle the usurpation upon his posterity, projected the coronation of his son Eustachius. To this purpose he convened the bishops and barons to London; and the crowning the kings of England belonging to the see of Canterbury, Theobald was put upon the office; but neither this archbishop, nor any of the prelates, would perform the solemnity. It seems, the pope, being informed of Stephen's design, had written to the archbishop of Canterbury not to crown Eustachius, because his father had made his way to the government through perjury. This refusal was highly resented by king Stephen and Eustachius, who ordered all the bishops to be locked up in a room, and endeavoured to menace them into a compliance. But their constancy was not to be shaken; they were resolved to venture the utmost extremity. However, they received no harm in their persons, though they lost their estates for the present; for it was not long before king Stephen repented his rigour, and returned them. Thus the story is told by Huntington, then living. Gervase of Canterbury reports, that the archbishop, making his escape, ferried over the Thames, and went incognito to Dover, and so got himself conveyed beyond sea; and that when king Stephen heard of it, he seized the revenues of the archbishoprick.

Hunting.
Histor. ib.

Chronic.
Gervas. col.
1371, 1372.
Annal. Wa-
ver. p. 157.

This year Geffrey Arthur, or Geffrey of Monmouth, who translated the British history into Latin, was preferred to the see of St. Asaph. Upon the mention of this promotion, the annals of Waverley take notice, that in eight of the seventeen English sees, the chapter consisted of monks: that this society of religious was very rarely to be met with in the cathedrals of foreign countries; but that this singular usage prevailed in England, because the first planters of Christianity amongst the English, Augustine, Mellitus, and Justus, were all monks. And, lastly, that the other nine English cathedrals were furnished with secular canons. William de St. Barbara, bishop of Durham, died this year.

*Nine of the
seventeen
cathedrals
furnished
with secular
canons.*

He has the character of a prelate of unexceptionable behaviour, of a hospitable disposition, and very remarkable for his charity to the poor.

MAUD,
the
Empress.

Henry, duke of Normandy, being solicited by the loyal party, arrived in England with forces from Normandy; and, notwithstanding his army was small, he was generally successful against Stephen. Theobald, archbishop of Canterbury, endeavoured to put an end to these civil distractions, and was very earnest to bring king Stephen and duke Henry to an accommodation; and Henry, bishop of Winchester, who had formerly embroiled the kingdom, by setting up his brother Stephen, assisted the archbishop in this good work. This prelate, when he saw the kingdom miserably overrun with rapine and slaughter, and almost all laid in blood and ashes, repented his former measures, and promoted a treaty. On the other side, king Stephen, having lately lost his son Eustachius, was not so averse as formerly to an accommodation. In short, in the beginning of November the articles were agreed at Winchester; and here king Stephen, before the bishops and barons, owned duke Henry's hereditary right to the kingdom. And the duke was so generous on his part, as to yield Stephen the crown for his lifetime; taking an oath of king Stephen, and the lords spiritual and temporal, that in case the duke survived the king, he should be put in possession of the government, without any opposition or disturbance.

Gaufrid.
Hist. Du-
nelm. Angl.
Sacr. pars.
1. p. 718.

Hunting.
Histor. l. 8.
fol. 228.

*An accom-
modation be-
tween Ste-
phen and
Henry.*

Polydore Virgil reports, that the empress Maud was then in England, and a principal in the treaty; and that she and her son had the first meeting with Stephen at Wallingford, and that after the treaty was finished both of them returned into Normandy.

Chronic.
Norman.
p. 989.

Polydor.
Virgil. An-
glic. Histor.
l. 12. p. 204,
205.

But whether the empress was in England at this time or not, is somewhat questionable; for Gervase, of Canterbury, tells us, that being tired with the ill condition of her affairs, she quitted the kingdom in the year 1147; but neither this author, Huntington, nor Nubrigensis, who lived in that age, make the least mention of her return. However, whether the empress was in England or not, it is certain she was consenting to the agreement, and had resigned the crown to her son, for the duke claimed no otherwise than under his mother; and in the original articles preserved in the Tower

A. D. 1153.
*The empress
consenting
to this
treaty.*

Fœdæra,
Conven-
tiones Li-
teræ, &c.
tom. 1. p.
14.

THEO-
BALD,
Abp. Cant.

of London, the duke's father, *pater etiam ducis et ejus uxor*, and all his near relations, are made security for the treaty. That the empress was pleased with this accommodation, appears from a passage in the first year of her son's reign. The young king was then desirous to attempt the conquest of Ireland, and called a convention at Winchester for this purpose; but the empress, his mother, not approving the design, the expedition was dropped. From hence we may fairly infer, that the mother and son held a friendly correspondence with each other, and that she had resigned the crown to him.

Chronic.
Norman.
p. 991.

Malmsbur.
Hunting-
ton, Nubri-
gens. &c.

And now Stephen was rightly king, for which reason I have already given him that title by way of prolepsis; for, before this time, as all our historians report him, he was no better than an usurper. Now, as long as he lay under this blemish, the royal style was none of his due; for he that has no right to the government, has no right to the title which belongs to it.

Nubrigens.
l. 1. c. 26.

Upon the death of William of St. Barbara, Hugh Puser, or Pudsey, treasurer of York and archdeacon of Winchester, was elected to that see. He was a person of the first quality, and nearly related to king Stephen. Henry, his metropolitan of York, refused him consecration; alleging his age was under the canon, and that his behaviour was too secular and gay. Upon this the elect, with some of his principal electors, took a journey to Rome; the archbishop likewise sent his proxy to prevent their success; but Eugenius III. being lately dead, and Anastasius IV., to whom the archbishop was unknown, put in his place, Hugh carried his point without much difficulty, and was solemnly consecrated by his holiness. The affair was more easily finished, because news was brought to Rome of the death of Henry, archbishop of York. This Henry, surnamed Murdac, was a monk of the Cistercian order. Stubs reports him a person of great strictness and discipline with respect to himself; that he wore sackcloth next his skin; that he governed his diocese with great care and conscience, and was very circumspect both in precept and example.

Stubs. Act.
Pontif.
Eborac. col.
1721.

After his decease, William, who was formerly set aside, took a journey to Rome to try his fortune once more upon

the vacancy: and that he might not seem to reflect upon the proceedings of the late council at Rheims, he prevailed with the chapter of York to choose him a second time. Being thus strongly recommended, and not insisting on his first election, he was honourably received, consecrated by the pope, and presented with a pall.

STE-
PHEN,
K. of Eng.

Nubrig.
l. 1. c. 26.
Stubb. Act.
Pontif.
Eborac. col.
1722.

This year David, king of Scots, departed this life. He was a prince of a great many good qualities, and endeavoured to promote the interest of religion. He founded the bishopricks of Ross, Brichen, Dunkeld, and Dunblaine, with the abbeyes of Jedburgh, Kelso, Melrose, Newbattle, Holyrood-house, Kinlos, Combuskeneth, Dunedrenan, and Holm-Cultram, in Cumberland; he founded likewise two religious houses at Newcastle, one for the Benedictines, and another for the white monks; and for single women professed, two nunneries, one at Berwick, and another at Carlisle; all which he endowed with revenues proportionable to the design. Some modern historians, as the learned archbishop Spotswood observes, blame this prince for his munificence to the Church; and particularly Hollingshead pretends, that this immeasurable liberality unfurnished his exchequer, disabled the crown, and forced him to be burthensome to the people; but this charge the worthy prelate above mentioned disproves by several arguments; adding withal in the close, that supposing the objection were true, and the censure well grounded, it ought to be touched with great tenderness and regard: "for," says he, "if there be any profusion excusable in princes, it is this; for, besides that these foundations are the most likely means to give lustre and perpetuity to their memories: not to mention this, they are generally the most serviceable provisions to supply their occasions upon all emergencies."

*The death
of David,
king of
Scots.
His benefac-
tions to the
Church.*

342.

William, archbishop of York, upon his return from Rome, was received in his province with great demonstrations of welcome. It is said, that the bridge over the Aire, near Pontefract, or, as others have it, over the Ouse, was overloaded and broken down by the crowd, and that the people were preserved from perishing by the archbishop's prayers. This archbishop died soon after his coming to York, and some report him poisoned in the consecrated wine. But this story is disproved by Nubrigen-

Spotswood,
Histor. of
the Church
of Scotland,
book 2. p.
34, 35.

A. D. 1154.
*The arch-
bishop of
York dies.*

THEO-
BALD,
Abp. Cant.

Neubrig.
l. 1. c. 26.
Stubbs. Act.
Pontif.
Eborac. p.
1721.

*St. Ulfric,
an ancho-
rite.*

Mat. Paris,
Hist. Angl.
p. 92, 93, 94.

*The death
of king
Stephen.*

Stow in
king Ste-
phen's life.

Stow *ibid.*

• Stow's Sur-
vey of Lon-
don, p. 117.

sis, who received the relation from a prebendary of York, an intimate acquaintance of the archbishop's, and then upon the spot. This prelate was very nobly extracted: his father Herbert was an earl of a great military figure, and his mother, Emma, was sister to king Stephen. He has likewise the commendation of a very strict and unexceptionable conduct.

This year the famous anchorite, St. Ulfric, departed this life. He was born in Somersetshire, near Bristol, and being bred to learning, took orders, and was a parish priest. He is said to have lived somewhat negligently, and given himself too much diversion in this station. Upon reflection, he resolved to retire, and not to trust himself in the world any longer. He pitched upon Haselberg, a village about thirty miles east of Oxford, for his retirement; and here, living in a cell, he fasted, watched, wore sackcloth, and practised all manner of austerities to the highest degree. In this course of mortification he continued nine and twenty years, and is said to have worked miracles, both living and afterwards.

This year king Stephen died, and was buried in the monastery of Feversham, of his own founding. When this abbey was demolished in the reign of king Henry VIII., this prince was robbed of his leaden coffin, and his corpse thrown into the sea. Thus sacrilege, like the unjust judge, fears not God nor regards man, and has neither justice to the living nor humanity to the dead. Beside this monastery, king Stephen founded an hospital near the west-gate in York; and whereas twenty-four oat sheaves, for the king's hounds, were formerly paid out of every plough land between Trent and Edinburgh-Frith, he settled this rent-charge upon the hospital above mentioned. To these religious benefactions, we may add the famous hospital of St. Catherine's, London, founded by Maud, king Stephen's wife, though some assign the foundation to Robert, bishop of Lincoln. The choir of this hospital, which was taken down in the reign of queen Elizabeth, was said to have been little short of that of St. Paul's.

As for Stephen, though he died a lawful king, yet since his title was apparently defective till the treaty above mentioned, it may be demanded which way the clergy could

satisfy themselves in their compliance. I mention the clergy, because the nature of the history requires it, and because they bore the principal sway in the kingdom at that time. It seems that there were great differences of opinion upon this occasion. I shall represent some of them according to the sense, though not just in the words of Mr. Fuller.

STE-
PHEN,
K. of Eng.

Fuller's
Church
History,
book 3. p.
25, 26.

First, some founded Stephen's right upon the choice of the people; the crown, they argued, was not governed by proximity of blood, and lineal descent. The hereditary succession had been set aside in several instances since the Conquest. This plea was easily disproved, by answering,—

*The differ-
ent opinions
concerning
Stephen's
title.*

First, that the precedents of setting aside the eldest line in William Rufus and Henry I., are looked upon as usurpations by our historians.

Secondly, supposing the government had been elective, that plea was of no avail in the present case; for since the electors had pre-engaged themselves by oath to the empress Maud, their votes were all barred, and their liberty disposed of.

To proceed: some acted for Stephen upon the notion of possession; they urged, the titles of princes were often perplexed and mysterious; that nowadays kings were not pointed out by revelation, nor proclaimed, as it were, from the sky; that the pleasure of God Almighty was now to be collected from matters of fact, and read in the event of things; from hence they inferred, that whoever was so lucky as to seize a crown, had a right to wear it. To this the other party replied, that by this reasoning the committing a rape would bring a woman under coverture, and give the injurious person a title to her estate: that we are to govern ourselves by the stated rules of justice, and not to swim down the stream at all adventures: that God suffers many things which he does by no means allow: that to in-

343.

Thirdly, it was farther pretended, that the blemish of Stephen's usurpation was worn out by time; that eighteen years' possession was a thorough settlement, and a sufficient declaration of Providence. To this, the answer was, that the settlement was not perfect, because the title was con-

THEO-
BALD,
Abp. Cant.

tested, and the empress's claim held up through all this period; and that from her first landing, to the late accommodation, Stephen was never master of the whole kingdom. But granting his possession had been ever so entire and undisturbed, and the legal sovereign in no condition to make head against him; granting all this, yet unless the right heir was extinct, or the claim surrendered, the plea signifies nothing. For that which was wrong at first will never mend by bare continuance. Just and unjust do not depend upon the motion of the sun or the revolution of the seasons. Time, notwithstanding its force in other matters, can never blanch a black action. On the other hand, ill practice swells by repetition, and grows more bulky in its progress. The length of usurpation is an aggravation of the first injustice; and the guilt of it, like other sins, rises by the frequency of commission. A libertine of seven years standing is much more criminal than when he first launched out into irregularity. And the same reasoning must reach the usurper, unless the greatness of a crime can give a protection, and amounts to a licence to continue in it.

Fourthly, it was urged, that loyalty was only a conditional duty, and subsists upon the benefits of government; that when a prince is in no condition to protect his subjects, they are at liberty to shift for themselves, and provide for their security. In this case, they may transfer their allegiance, and retire under the shelter of the prevailing party. To this it was returned, that allegiance was founded upon a right to govern, and ought to continue as long as the right remained; that no prince's right could be extinguished by the revolt of his subjects or the prevalence of an usurper. To suppose a man may lose his property by being injured, is plainly to renounce all reason and justice, and make right depend upon wrong. This principle resolves all title into force, encourages rebellion, and saps the foundation of civil society. At this rate, when a man's parents prove burthensome, he is at liberty to discard the relation, and disclaim them in their age and poverty.

Lastly, it was urged, that the empress Maud had cancelled the obligation, and given the subject a release. Was there, then, any formal discharge? That was not so much as pretended. How then could the proof be made out?

They went upon the fancy of a presumed consent. They supposed no prince could be so hardhearted as to make his subjects suffer for their constancy; to expose them to the rigours of the revolt, and bind them to an allegiance unserviceable to himself. But this doctrine was disliked by others, who objected,

HENRY
II.
K. of Eng.

First, that the argument went upon a wrong supposition. For the adherence of the loyal party to the empress, when her affairs were lowest, was by no means an unserviceable circumstance. Her tying them to their duty under this juncture, kept her title on foot, and marked what was rebellion.

Besides, to suppose a subject has a virtual release, whenever his loyalty grows troublesome, is a loose and licentious principle. By this way of reasoning, an army may desert their colours at the approach of an enemy; because, if they stand the charge, it is certain some of them must fall; and where some are certain to lose their lives, the danger extends to all. And thus, to give another instance: if a man cannot pay his debts without damage to his fortune, he ought to presume the creditor has given him a discharge, and look upon himself as a debtor no longer. And yet in a court of justice, this kind of supposition will signify nothing without the producing an acquittance.

The interval between king Stephen's death and the arrival of king Henry in England, was six weeks; during which time the interest and vigilance of Theobald, archbishop of Canterbury, kept the country quiet, and prevented the foreign troops, entertained by king Stephen, from committing disorder.

And now king Henry, who had been detained for some time by contrary winds, landed in Hants, in the beginning of December, received the homage of the nobility at Winchester, and was crowned at Westminster, by the archbishop of Canterbury, the Sunday before Christmas. And thus, as Nubrigensis speaks, this prince took possession of his hereditary kingdom.

Chronic.
Gervaa. col.
1376.

*King Henry
arrives in
England,
and is
crowned.*
Ibid.

Nubrigens.
l. 2. c. 1.

The king being young, the archbishop was apprehensive he might receive ill impressions from some of his courtiers, and fly out into licence and wrong measures; to secure his conduct, therefore, he prevailed with him to make Thomas, archdeacon of Canterbury, chancellor of England. He knew

*Becket
made chan-
cellor of
England.*

THEO-
BALD,
Abp. Cant.

344.

Chronic.
Gervas. col.
1377.

*Nicholas,
an English-
man, made
pope.*

this Thomas well qualified for public business, and had a great opinion of his management. It seems he had given an early testimony of his abilities, and gained the character of a man of great energy and courage. He was likewise well polished for a court life, knew how to make a figure, and was furnished with address to procure him friends, and support him in his station. Thus, by preferring Becket to this post, the archbishop hoped the king's motions might be made more regular and steady, and a good correspondence secured between the Church and state.

In the close of this year, Nicholas, bishop of Alba, succeeded pope Anastasius II. I take notice of his promotion upon the score of his being an Englishman. Neubrigensis informs us, that his father was a clergyman, who at last retired from the world, and took the habit at St. Alban's; that Nicholas used to frequent that monastery for support, till his father discouraged him; that being thus at a loss for maintenance, and having a genius too big for a mechanick employment, he travelled into France, and entered himself a religious, in the monastery of St. Rufus, in Provence. And here, making a considerable proficiency in learning, and behaving to the satisfaction of the house, he was first made prior, and afterwards abbot. At last, the monks began to dislike the government of a foreigner, and grudge him his station. In short, he was summoned to Rome by his convent, in the popedom of Eugenius III. And here, his merit recommended him so far to his holiness's favour, that he preferred him to the bishoprick of Alba, and afterwards made him his legate for Denmark and Norway. He managed this office with great dexterity and advantage, and left the understandings and morals of that rough-hewn people, under great improvements. Upon the death of Eugenius, his commission ceased, and he returned to Rome.

Neubri-
gens. l. 2.
c. 6.

Baron. An-
nal. tom. 12.
ad An. 1154.

And Anastasius dying soon after, he was unanimously chosen pope by the bishops and cardinals, and forced into St. Peter's chair, in the beginning of December. He has the character of a very dispassionate goodnatured prelate, had a considerable talent in speaking, was a great master in church musick, and an admirable preacher; and to add a word more of his moral qualifications, he was difficultly dis-

obliged, and easily reconciled. He was very remarkable for his charities and benefactions; and what he gave away was usually done with a grace, and an air of cheerfulness; and, in short, the whole compass of his behaviour was generally well managed, and suitable to his post.

HENRY
II.
K. of Eng.

Baron. *ibid.*

When king Henry understood his countryman Adrian was preferred to the popedom, he wrote him a letter to the contents following. It begins with congratulating him upon his accession to the papacy. After some lines of ceremony upon this head, the king proceeds to signify his good wishes, and how desirous he was this prelate might answer the expectations of his station. And here, in terms of great deference and regard, he strikes out a sort of plan, and puts the pope in mind of some general directions for his conduct. He suggests, that since Providence has transplanted him, as it were, into Paradise, it was expected he should improve proportionably to the richness of the soil, and endeavour, since he was raised to so exalted a station, to act vigorously for the interest of Christendom, and so govern the churches of God, that all succeeding generations may reckon it an honour to the country which gave him his birth. He proceeds to express his affection, and hopes that tempestuous spirit which disturbs the air, and often beats strongest upon places of the highest situation, may never betray his holiness to any disorder, nor make the eminence of his station an occasion of his greater ruin. And since the superintendence of the universal Church belongs to him, he entreats him to proceed immediately to the promotion of such cardinals as may be furnished with capacity and inclination to bear part of the burthen with him, and assist him in his government; that he would avoid being biassed by any secular regards in his choice, and not be swayed by the motives of relation, quality, or wealth, but pitch upon such men as fear God, and hate covetousness; such as are remarkable for their integrity, and most zealous for the saving men's souls. And since the unworthiness of the clergy, when the case happens, was a great disservice to the church, he entreats him to be very careful in the disposal of ecclesiastical preferments, that the patrimony of our blessed Saviour may not be mispent, and, as it were, invaded by any unqualified person. From hence the king proceeds to mention the calamitous condition

King Henry sends an embassy to Rome.

His letter to pope Adrian.

THEO-
BALD,
Abp. Cant.

345.

Baron. An-
nal. tom. 12.
ad An.
1154.

*The pope's
bull to en-
courage the
Irish expe-
dition.
A. D. 1155.*

of the Holy Land, how lamentably it was harassed by the incursions of the infidels; and therefore desires his holiness to apply his thoughts to find out a serviceable expedient for that part of Christendom. He puts him in mind likewise of the declension of religion in the Greek empire, and hopes the universal pastor will make his care proportionable to his jurisdiction, and that no part of the Church shall be unbefitted by him. And that since God has raised him to the top of spiritual grandeur, he will take care to manage accordingly, to shine out in an exemplary conduct; and that no division of Christendom shall be so remote as not to be the better for his precedent and direction. In short, he hoped his government would be so commendable and exact, as to become not only a general blessing in his lifetime, but that future ages might be the better for his memory, and that his native country might congratulate her own happiness in producing so glorious a prelate. And lastly, he concludes with desiring the pope's prayers for himself, his court, and kingdom.

Baronius assigns this letter to the year 1154, yet, since Nicholas was not made pope till December, it is most probable the date is set too far backwards, and that it could not be written till the beginning of the next year; at which time, as Matthew Paris reports, the king sent a solemn embassy to Rome, to solicit the pope's consent that he might make an expedition into Ireland, and, by the conquest of that country, reclaim those savage people, and force, as it were, a better belief and practice upon them. The pope very willingly agreed to the king's proposal, and sent him a bull, which runs thus:

“ Adrian, bishop, servant of the servants of God, to his most dear son in Christ, the noble king of England, sends greeting, and apostolical benediction. Your magnificence has been very careful to enlarge the Church of God here on earth, and increase the number of the blessed in heaven. To this purpose, as a good Catholick king, you project the instruction of ignorant people, the civilizing the barbarous, and the reformation of the licentious and immoral; and to execute this design with more effect and advantage, you have applied for countenance and direction to the holy see; we hope, therefore, by the blessing of God, the success will

answer the regularity of the undertaking. You have advertised us, dear son, of your design of an expedition into Ireland, to subdue the ignorance of that nation, and make them better Christians; and also to pay out of every house a yearly acknowledgment of one penny to St. Peter; and that you will maintain the rights of those Churches without the least detriment or diminution. We, therefore, being willing to assist you in this your pious and commendable design, leave you entirely to your own inclination, and grant you full liberty to make a descent upon that island, in order to enlarge the borders of the Church, to check the progress of immorality, to improve the natives in virtue, and promote their spiritual happiness. And here we commit you to the conduct of your own wisdom, charging the people of the country to submit to your jurisdiction, and receive you as their sovereign lord. Provided always that the rights of the Church are inviolably preserved, and the Peter-pence duly paid. For, indeed, it is certain that all the islands which are enlightened by Christ, the sun of righteousness, and have submitted to the doctrines of Christianity, are unquestionably St. Peter's right, and belong to the jurisdiction of the holy Roman Church." The remainder of the bull is but a kind of repetition, with the pope's good wishes, and therefore needs not be inserted.

HENRY
II.
K. of Eng.

Mat. Paris,
Hist. Angl.
p. 95.
Baron. An-
nal. ad An.
1159.

The king, though encouraged by the pope's bull, postponed the Irish expedition, and attempted nothing upon that island till a fresh opportunity invited about fourteen years after. However, we may observe from the contents of this letter, how far the popes of that age stretched their pretensions upon the dominions of princes; for here we see the pope very frankly presents king Henry with the crowns of the Irish kings, commands their subjects upon a new allegiance, and enjoins them to submit to a foreign prince as their lawful sovereign.

Who were the persons employed by the king in this embassy to Rome, is unmentioned by our historians of that time; Alford fancies John of Salisbury, afterwards bishop of Chartres, was one of them. He grounds his conjecture upon the learning and qualifications of the person, and the intimate correspondence he held with the pope. For Baronius informs us, that in the beginning of Adrian's popedom,

Paris, *ibid.*
Alford, An-
nal. Eccles.
ad An.
1155. p. 76.

THEO-
BALD,
Abp. Cant.

*The pope
complains of
the uneasi-
ness of his
station.*

Johannes
Sarisbur.
Polycrat.
l. 8. c. 23.

364.

A. D. 1156.

his countryman Johannes Sarisburiensis paid him a visit, and that his holiness, being almost overset with his affairs, made his complaint to him. It seems, this clergyman was fully convinced that the pope did not complain without reason; for, upon another occasion, he makes no scruple to affirm, that to make a man pope is to make him one of the most unhappy of all mankind; that if there were no other grounds of disquiet, one must sink by the very fatigue of business, and by being perpetually at the wheel; that this Adrian confessed to him, that all the hardships of his former life were mere diversion to the misfortunes of the popedom; that he looked upon St. Peter's chair as the most uneasy seat in the world: that he thought his crown and mitre were clapped burning upon his head, and had their lustre only from the heat of the furnace; that he heartily wished he had either never travelled out of England, or been buried in the obscurity of St. Rufus's cloister; that he had always been uneasy in moving upon an ascent; that his promotions had been a plague to him, and that his misfortunes constantly rose in proportion to the height of his station.

By these expostulations the pope seems to have been a man of great conscience and integrity; however, his indulgence to king Henry looks somewhat unintelligible, and, at the best, shews him to have been none of the securest guides for the direction of practice. The case was this:

Geoffrey Plantagenet, late earl of Anjou, had issue three sons by Maud the empress, Henry, Geoffrey, and William. This prince, being sensible that upon his death, his own dominions would descend of course to his eldest son, Henry, and that the duchy of Normandy and kingdom of England would likewise fall to him in right of his mother. Upon this view, the earl being willing to make a provision for the younger brothers, devised his own dominions of Anjou to his second son, Geoffrey. And to make the settlement the more firm, he took an oath of the bishops and nobility that were present, not to suffer his corpse to be buried till his son Henry had sworn not to set aside any part of his father's will. Henry, upon the news of his father's death, came to attend his funeral; but when the oath was tendered him, he refused for some time to swear to a writing unseen, and bind himself to the performance of conditions with which he was

not pre-acquainted. However, when he was pressed with the scandal of letting his father lie unburied, he took the oath, though with great reluctance. When his father was buried the will was broken open and read; and though the contents displeased him, he concealed his resentments till a better opportunity. But after his accession to the throne he is said, upon his complaint to the pope that the oath was forced upon him, to have been favoured with a dispensation. But which way is the necessity proved? Was he in danger of duress or assassination? Nothing of this is pretended. However, if this had been the case, a man had much better part with his liberty, or his life, than trifle with the attributes of God, destroy the greatest securities of trust, and be guilty of a breach of faith in an instance of the highest solemnity. Were the matter of this oath unlawful, the disengagement had been intelligible. But in promising not to alter the disposition of his father's will, he only ran the risk of suffering in his right, and swore to nothing but what was in his power to make good. However, Alford is resolved to bring necessity into the case, and then lays down this loose doctrine from Nubrigensis, that oaths extorted are by no means obligatory. Though, after all, by his necessity he can mean nothing more than convenience. Besides, if king Henry's oath was void, as Alford supposes, what occasion was there for the pope's dispensation? For a dispensation supposes the law in force, the continuance of an engagement, and that a man lies under a penalty in case of non-performance. But where the obligation is untied already, a dispensation is perfectly superfluous. But farther, if the oath continued in full force, it is hard to imagine which way the pope could release it. Had the pope been the only legatee in the will, he might have relinquished his right; and thus, the matter of the oath being taken away, the obligation would have ceased of course. But since the promise was made to another party, it was not in the pope's power to dispose of their property. Besides, since God Almighty was made, as it were, a guarantee for the promise, and appealed to for the sincerity of the engagement, which way can any man pretend to dispense with so solemn an obligation, without the greatest dishonour to the divine majesty?

HENRY
II.
K. of Eng.

He dispenses with king Henry's oath.

Alford, Anal. ad An. 1156.

Nubrigensis, l. 2. c. 7.

Ibid.

THEO-
BALD,
Abp. Cant.

See Re-
cords, num.
22.

A. D. 1157.
*A contest
between the
bishop of
Chichester
and the ab-
bot of Bat-
tle.*

I must not omit, that this king, at his coming to the crown, confirmed his grandfather Henry I.'s charter to the clergy and laity.

About this time there happened a warm dispute between Hilary, bishop of Chichester, and Walter, abbot of Battle. The bishop summoned the abbot to his diocesan synod at Chichester, and pressed on him all other points of duty and deference prescribed by the canons. He claimed likewise, both by ancient custom and in virtue of his episcopal jurisdiction, to be entertained in the abbey and the manors belonging to it in his visitations. On the other side, the abbot pleaded the charter of William the Conqueror for his exemption; setting forth withal, that this charter was drawn up by the advice of the then prelates of Canterbury and Chichester, &c., and signed by them. When the Conqueror's charter was afterwards read at Lambeth, before the archbishop, the chancellor of England, the parties, and other great men, and they came to this clause, "Quod ecclesia (scilicet de bello) libera sit omnino ab omni subjectione episcoporum, sicut ecclesia Christi Cantuariæ," the audience was extremely shocked, and several of them declared aloud, that this privilege was point-blank against the canons, and particularly the archbishop was so dissatisfied, that he moved this clause of the charter might be pronounced void; but they came to no resolution at this meeting. Afterwards the cause was brought before the king at Colchester, many of the lords, spiritual and temporal, being present. And here Hilary pleaded for himself, and urged, that God our Saviour had settled two distinct independent governments upon earth, the spiritual and the temporal; that the first was intrusted to St. Peter, the rest of the apostles, and their successors; that it was not in the power of the state to annul a divine commission, or deprive the Church of an authority thus settled upon her; that the jurisdiction of a bishop over his diocese was no grant from the crown, and therefore could not be revoked by it. This was the substance of the bishop's argument. The king was not pleased with this defence, and charged the bishop with intrenching upon his prerogative. The bishop made a very respectful reply, and purged himself from that imputation; but the

Spelman,
Concil. vol. 2. p. 53. et deinc. ad 58.

record being defective, how the controversy was settled is uncertain.

About two years afterward, Robert, bishop of St. Andrew's, departed this life. He has the commendation of a very worthy prelate. He founded the priory of St. Andrew's, and procured the city the privileges of a royal borough. He was buried in the church of St. Reule, the cathedral being not yet built.

HENRY
II.
K. of Eng.
*The bishop
of St. An-
drew's
death, 1159.*
347.

About this time two Scotchmen of character for learning, flourished; Ricardus de Sancto Victore, a canon regular of the order of St. Augustine, and David, a priest. This David travelled into Germany, and was pitched upon by the emperor, Henry V., to attend him in his march into Italy, against pope Paschal. He wrote the history of this expedition, and likewise a treatise, *De Regno Scotorum*, both which are lost. Ricardus was a professor of divinity at Paris, in the abbey of St. Victor. He had the reputation of a great philosopher, and wrote several learned tracts, as appears by his epitaph. The titles of his books may be seen in Bale.

Spotswood,
Hist. book
2. p. 85.

After the death of bishop Robert, Walthemius, abbot of Melrose, was importuned to succeed him; but he declined the promotion, and excused himself, by saying, that since he had retired from the contagion of the world, he would not run the risk of miscarrying in a publick employment. Upon this refusal, the abbot of Kelso was elected, and consecrated by William, bishop of Murray.

Ibid.

This year, pope Adrian IV. died of a quinsey, and was not choked with a fly, as Urspergensis reports it. The cardinals could not agree about his successor; one part of them choosing Roland, or Alexander III., the other, Octavian, a noble Roman, who went by the name of Victor IV. This double election occasioned a schism in the Church of Rome, which lasted eight years.

Baron. ad
An. 1159.
Nubri-
gensia. l. 2.
c. 9.
Baron An-
nal. ad An.
1159.

A. D. 1159.
*A schism in
the Church
of Rome.*

King Henry being in Normandy when this breach happened, Theobald, archbishop of Canterbury, wrote him a letter in behalf of Alexander. In this letter he acquaints the king, that "the Gallican Church had disclaimed Octavian, and owned his competitor; that as far as it appeared, they had adhered to the right side: it being notoriously evident, that Alexander was a person of a more unblemished character;

Hoveden,
Annal. f.
281.

*Archbishop
Theobald's
letter to the
king in be-
half of pope
Alexander.*

THEO-
BALD,
Abp. Cant.

of better conduct in business; of more learning and elocution; and, which is more to the point, he was generally reported by those who had been upon the spot, to have been duly elected. And notwithstanding he had heard from neither of them, either by nuncio, or letters, he assures the king all the English would declare for Alexander, provided they had the encouragement of his highness's consent." He lets him know farther, he was informed, the emperor solicited his highness for Octavian's interest: and here he conjures him not to gratify any mortal man, to the prejudice of the Church or his own conscience. And after having suggested several arguments in favour of Alexander, he puts him in mind, in the conclusion, that before he came to a resolution in so weighty a matter, it would be requisite for him to summon a synod, and not to determine about the Church without the advice of the clergy.

Johannes
Sarisbur.
Epist. 48.

This point seems to have been already settled according to the archbishop's desire; for king Henry, probably before this time, had convened a synod in Normandy about this affair. Alexander and Octavian had each of them agents at this meeting; and after the cause had been argued by both parties, the king and synod declared for Alexander.

Nubri-
gens. l. 2.
c. 9.

*Sir Henry
Spelman
makes them
the same
with the
Waldenses.*

Nubrig.
l. 2. c. 13.
Spelman.
Concil. vol.
2. p. 59.

About this time England was disturbed by the preaching of foreign hereticks, called Publicans. The heresy appeared first in Gascoigne, though from what person is uncertain. From hence the erroneous doctrine spread through a great many provinces of France, Spain, Italy, and Germany: they gained ground, as Nubrigensis reports, by the remissness of the Church discipline. He represents them as a company of ignorant rusticks: and though their understandings were very gross and unimproved, yet their obstinacy and self-opinion was such, that the convincing them by argument and retrieving them from their mistake, was next to an impossibility. The historian adds, that this was the first time that England was pestered with hereticks, since the Saxons settled here. These publican hereticks were about thirty of both sexes. At their first arrival they concealed their heterodoxy, and pretended other business: they were headed by one Gerhard, whose delusions they seemed to follow by implicit belief. This Gerhard was the only person among them, that had some little learning; as for the rest, they

were altogether unlettered, and perfect boors, both in knowledge and conversation. Their language was high Dutch. We do not hear that they proselyted more than one woman; for it was not long before they were discovered and taken into custody. And the king being unwilling either to punish or discharge them without examination, ordered a synod to meet at Oxford, and inquire into their tenets. And here being brought to their trial, and interrogated concerning their belief, they answered by their instructor Gerhard, who undertook their defence, that they were Christians, and that the doctrine of the apostles was their rule of faith. But being thrown off this general answer, and questioned more particularly about their creed, they seemed sufficiently orthodox concerning the Trinity and Incarnation: but then as to many other material points, they were dangerously mistaken; for they rejected Baptism and the Holy Eucharist, declared against marriage and Catholic communion. And when they were pressed with testimonies from the Holy Scriptures, they replied, that they believed as they were taught, and would not dispute about their religion. And when they were admonished to repent, and return to the communion of the Church, they despised the overture: neither had menacing any better effect upon them. When they were told of being punished for their incorrigibleness, they were so unhappy as to misapply that text of our Saviour to their own case: "Blessed are they that suffer persecution for righteousness' sake, for theirs is the kingdom of heaven." The bishops, to prevent the spreading of the contagion, pronounced them hereticks, and put them into the hands of the secular magistrate. Upon this the king ordered them to be branded in the forehead, and publicly whipped out of the town; strictly forbidding all persons, either to entertain or give them any manner of relief. They suffered the execution of this sentence very cheerfully, their ringleader marching at the head of them, and singing, "Blessed are ye when men shall hate you." In short, the rigour of the sentence and the season (it being winter) was such, that these poor wretches sunk under the punishment, and were all dispatched.

HENRY
II.
K. of Eng.

*A synod at
Oxford
against the
publican
hereticks.
Their te-
nets and
punishment.
Ibid.*

348.

A. D. 1160.

Ibid.

The synod against these hereticks, sir Henry Spelman

Spelman,
Concil. vol.
2. p. 59.

THEO-
BALD,
Abp. Cant.

assigns to the year 1160, though Stow sets it two years later.

A. D. 1161.

Richard, archdeacon of Coventry, and son to Robert, bishop of Chester, was consecrated bishop of Coventry and Lichfield, by Theobald, archbishop of Canterbury; for, as Diceto observes, the sons of priests, provided there is no exception to their morals, are under no disqualification of being promoted to the highest preferments in the Church. Thus pope Felix III. was son to Felix, a priest; pope Agapetus was son to one Gordianus, a priest: Valerius, an African bishop, was father to pope Gelasius. The popes, Silverius and Theodorus, were sons of bishops, and the father of Adrian IV. was likewise a priest, as has been observed. The author of *Anglia Sacra* assigns the consecration of Richard to the year 1162; but if the solemnity was performed by archbishop Theobald, as Diceto affirms, it must fall within the year 1161, because Theobald died about the middle of April that year.

Diceto,
Imag. Hist.
ad An.
1161.

Angl. Sacr.
pars 1, p.
110.

*The arch-
bishop's let-
ter to the
king.*

The archbishop, Theobald, finding himself decay, and foreseeing a storm likely to fall upon the Church, wrote a letter to the king in Normandy, to caution him against ill impressions. In this letter he puts the king in mind, that some people of suspicious principles would be apt to persuade him, that the prerogative would rise, by lessening the authority of the Church. He assures him that such maxims, from what quarter soever they came, were unserviceable to the crown, and would draw down the divine displeasure. That it was God Almighty that had enlarged his highness's dominions, and prospered him to that degree of grandeur, and therefore it would be a most unsuitable return in him to lessen the honour of his benefactor, and oppress the Church in her jurisdiction.

Johann.
Sarisbur.
Ep. 64.

*The death
of arch-
bishop
Theobald.*

Johann.
Sarisbur.
Epist. 57.
Godwin. in
Theobald.

This year, in the middle of April, the archbishop departed this life, after having sat two and twenty years. Some little time before his death he made his will, and gave all his estate to the poor, and other pious uses. After Theobald's death the see of Canterbury continued vacant something more than a year.

The king, who was now in Normandy, dispatched chancellor Becket into England, under colour of managing some

business relating to the state; but with a design to prefer him to the archbishoprick. Soon after his arrival, the bishops of Chichester, Exeter, and Rochester, came to the convent of Canterbury, with an order from the king, that the prior, with some of the monks, should repair to London, and meet the bishops and clergy there, in order to the election of an archbishop. Wibert, the prior, obeyed the order, and found the prelates convened at London. Diceto reports, the provincial bishops had a share in this election. And here, after some dispute, Thomas, the chancellor of England, was elected. At his consecration, Roger, archbishop of York, sent his proxy to claim the performance of this ceremony. The prelates present at this solemnity, were willing to grant the archbishop of York's demands, provided he would make a canonical submission to the see of Canterbury, which he had hitherto refused. Roger, not accepting this condition, Thomas was consecrated by Henry, bishop of Winchester, upon the third of June.

HENRY
II.
K. of Eng.
A. D. 1162.
Becket
chosen arch-
bishop of
Canterbury.

Chronic.
Gervas.
col. 1381,
1382.

Ibid.

Upon his promotion to this post, he began to alter his manner of living; to debar himself those innocent liberties he had formerly taken, and leave off his secular appearance. He is said to have worn sackcloth next his flesh; something likewise of the monkish dress, with the archiepiscopal habit over the rest.

At the octaves of Whitsuntide, pope Alexander held a council at Tours, where the archbishop of Canterbury and some of his suffragans were present.

*The council
of Tours.*

The third canon of this council forbids the laity converting any part of the tithes to their own use, blames some of the bishops for giving a dispensation for such unwarrantable practice; and decrees, that if any bishop, or clergyman, shall make a grant of any tithe or oblation to a lay person, he was to be excommunicated.

The fourth canon mentions the spreading of the heresy of the Albigenses, and forbids all persons either to entertain, or give them any assistance; and not so much as to trade, or hold any correspondence with them: that being thus thrown out of the advantages of civil society, they may be brought to recollection and repentance; and wherever any of these hereticks were discovered, the government was to take them into custody, and seize their effects.

BECKET,
Abp. Cant.

The fifth forbids the intrusting parochial cures to stipendiary priests, or such as are hired with an annual salary by the laity.

The seventh forbids bishops constituting their deans, or arch-priests, judges in their ecclesiastical courts, with a permission to take fees, and exact, as it were, an annual salary from the clergy. This being a likely method to bring corruption into the bishops' courts, and oppress the clergy.

I have mentioned some of the most remarkable canons of this council, because the English church was represented in it by the archbishop and his suffragans.

Nubrig.
l. 2. c. 15.
Concil.
Labbee. et
Cossart,
tom. 10. col.
1419, 1420.

The fifth canon, which declares against stipendiary curates, relates only to those who receive the benefice from the laity. It being sometimes the custom for lords of the manor, who had built churches upon their estates, to hire a priest for a year to officiate in the parish; to remove him at pleasure, and reserve what proportion of the tithes they thought fit in their own hands. And thus religion suffered by these pretended benefactions; the patrimony of the Church was seized, and the maintenance of the priests made precarious and dependent. To prevent this disorder the council made this provision, which was afterwards repeated in the third and fourth canons of the council of Avranches, in Normandy.

Labbee.
concil. tom.
10. col.
1460.

The occasion of the rupture between the king and archbishop Becket.

Chronic.
Gervas. col.
1384.

Soon after the archbishop's return into England from this council, he fell under the displeasure of the court; for, finding some part of the estate of the church of Canterbury alienated, and in lay hands, he insisted upon restitution; particularly, he claimed the custody of the castle and tower of Rochester from the crown. He likewise demanded homage of the earl of Clare for the castle of Tunbridge, and the lands about a league round it; with some other demands of this nature. Now, though we do not find his title contested, either in Fitz-Stephen, Hoveden, or Gervasius, or that he was challenged for demanding more than his own; yet, having a dispute with court favourites, who were unwilling to part with what they had grasped, he raised a party against himself, and lost the king.

It is true, Matthew Paris, an author of less antiquity, relates, that when the archbishop summoned the earl of Clare to do him homage for the castle of Tunbridge, the earl being

pre-instructed by the king, denied the archbishop's claim, and pretended he held that estate of the crown.

HENRY
II.
K. of Eng.

Farther, the archbishop, having a right to present to the vacant livings in the towns which held of his see, collated one Lawrence, a priest, to the rectory of Ainesford, in Kent. Upon this William de Eynesford, lord of the manor of that parish, pretending to the patronage of the Church, ousted Lawrence, and forced his servants out of the town; for which disturbance William was excommunicated by the archbishop. William, lying under this sentence, applies to the king, who was displeased with the archbishop for not pre-acquainting him with the censure before it passed. It being part of his prerogative, as the king alleged, that none of his officers, or those who held in chief of the crown, were to be excommunicated without his highness's knowledge: and that this notice was to be given, to prevent the king's conversing with an excommunicated person, and admitting him, through want of information, to familiarity and business. So that we see the king's reason in this case is far from being prejudicial to the jurisdiction of the Church: however, the king conceiving William of Eynesford was somewhat rigorously treated, wrote to the archbishop to absolve him. The archbishop answered, that excommunication and absolution, or the direction of these spiritual powers, were no part of the prerogative royal: however, at last, being unwilling to break with the king, he absolved William. But the disputing the point, and the contest with court favourites, gave the king a disgust. Notwithstanding, when the archbishop was first promoted to his see, the king had promised him all the privileges of his church, and that he might take the liberty of recovering the lands alienated by his predecessors, or wrongfully seized by any of the laity.

Fitz-Stephen. p. 15.
col. 1.
Mat. Paris,
Hist. Angl.
p. 100.

Under these disadvantages, his conduct was examined with prejudice, and interpreted to the harshest sense. His zeal for discipline was called rigour and cruelty. His care to preserve the rights and revenues of the archbishoprick, was imputed to covetousness. His contempt of popularity was construed a cynical sort of affectation. On the other side, his living up to the dignity of his station was censured for pride and ambition. Thus they took care to misrepresent him to the king, and put an ill complexion upon every

BECKET, Abp. Cant. circumstance. And, in short, they persuaded the king, that if the archbishop went on in his encroachments, the prerogative must suffer, and the crown in a manner sink under him.

Gervas.
Dorobern.
Act. Pontif.
Cantuar.
col. 1670.

Hoveden,
Annal. f.
282l.

Ibid.

I shall report the rupture between the king and the archbishop in Hoveden's words. An unfortunate misunderstanding, says this historian, broke out this year between the king and the archbishop. The king, it seems, was desirous to recall some of the privileges of the clergy, and bring them under the condition of other subjects. The archbishop, on the other hand, stood firm for the liberties of the Church, and refused to allow the least diminution of them.

350.

*The king
requires the
clergy
should be
tried in the
civil courts.*

*This motion
opposed by
the arch-
bishop and
his suffra-
gans.*

The case in dispute was this: the king required, that when priests, deacons, or others of the clergy, were apprehended for robbery, murder, felony, burning of houses, or any other high crimes of this nature, they should be tried in the king's courts, and undergo the same punishment with laymen. On the other hand, the archbishop insisted, that when any clerk was charged with any of the crimes above mentioned, he ought to be tried before the ecclesiastical judges in the court Christian. And in case he was convicted, he was to suffer degradation, and be deprived of all his ecclesiastical preferments. And if after he was thus stript of his character, he happened to relapse into the former crimes, or made a breach upon any of the laws of the realm, he was then to be delivered up to the king's justice, and receive his trial from the civil magistrate.

A. D. 1164.

*The king
demands the
bishops' sub-
mission to
the ancient
usages of
the king-
dom.*

*They offer
to submit
with a
clause of
exception.*

The king, being resolved to carry this point, convened the bishops at Westminster, where he demanded that the clergy, when they broke the peace, or were charged with any of the crimes above mentioned, might receive their trial in his courts of justice. But the archbishop not giving his highness satisfaction upon this head, the question was put to the bishops, whether, in consideration of their duty and allegiance to the king, and of the publick interest and repose, they were willing to promise a submission to the laws of his grandfather, king Henry. To this the archbishop speaking for himself and the rest, replied, that they were willing to be bound by the ancient laws of the kingdom, as far as the privileges of their order, the honour of God, and holy Church would give them leave. The king was much displeased with this conditional clause, and endea-

voured to bring the bishops to an absolute promise, without any reservation whatsoever. But the archbishop would by no means submit to this proposal. The rest of the bishops adhered to their primate for some time, excepting Hilary, bishop of Chichester; who, endeavouring to find out a medium, and make terms for himself, told the king he was ready to observe the laws and customs of the kingdom *bona fide*: but the king would admit of no limitation or abatement upon his demands.

HENRY
II.
K. of Eng.
Ibid.

Not long after, Ernulphus, bishop of Lisieux in Normandy, came into England, and used his utmost efforts to remove the misunderstanding between the king and the archbishop. But failing in the attempt, he advised the king to draw the archbishop of York, the bishops of Hereford and Lincoln, and some other leading prelates, from their intimacy with archbishop Becket; that by this step they might be brought on farther to the court measures: and that the archbishop finding himself deserted by the most considerable of his party, might abate from his stiffness, and submit to the king's pleasure.

Chronic.
Gervas.
col. 1385.

Not long after, one Philip de Eleemosyna, a celebrated abbot, arrived in England: he was dispatched from the pope and conclave, to put an end to the difference on foot. And he had instructions to enjoin the archbishop of Canterbury to comply with the king's demands, and give his highness a promise to observe his laws, without clogging the engagement with any proviso or clause of exception. This order from Rome, seconded by the advice of other persons of character, made the archbishop acquiesce, and alter his opinion; and therefore, waiting upon the king at Woodstock, he promised to keep his laws upon the faith of an honest man, and without any prevarication whatsoever.

Hoveden,
Annal. fol.
282.

It seems some of the clergy in this reign had mismanaged their privilege of exemption from the civil courts: neither were the bishops altogether so careful in correcting their misbehaviour as they ought to have been: and upon this head the king had lately received several complaints. To give some instances; a burgher of Scarborough preferred a complaint to the king against a rural dean, for levying twelve shillings upon him, pronouncing his wife an adulteress, and enjoining her penance without legal proof. The dean was

The arch-
bishop com-
plies with
the king's
demands
upon the
pope's order.
*Bona fide et
sine malo
ingenio.*
Hoveden,
ibid.

Nubrigena.
l. 2. c. 16.
Gul. Fitz-
Stephen, p.
18. c. 1.

BECKET,
 Abp. Cant.
 Biblioth.
 Cotton.
 under Ju-
 lius. A. 11.

*This
 Richard de
 Lucy was
 justiciary
 of England.*

brought before the king, the archbishop of York, the bishops of Lincoln and Durham, and John, treasurer of York; and not being able to defend himself, the temporal barons were ordered to sit with the bishops upon the bench, and join in the sentence upon him. John, the treasurer, was of opinion, that if he restored the burgher his money, and was remitted to the discretion of his bishop, whether he should be turned out of his office or not, there was no reason to punish him any farther. Upon this, Richard de Lucy asked, "What satisfaction the king should have for the breach of his laws?" John answered, "Nothing; because the offender was a clerk." Whereupon the justiciary and the temporal barons went out of the court, and refused to be present when judgment was given.

To proceed: the judges being upon their circuit at Dunstable, one Simon Fitz-Peter informed the court, that Philip de Brock, canon of Bedford, had spoken dishonourably of the king in publick company. The king ordered this Brock to be prosecuted before the archbishop: and the charge being proved against him, he endeavoured to excuse himself, by alleging the words were spoken in passion. The king demanding judgment against him, the ecclesiastical court sentenced him to lose the profit of his prebend for one year, and to be banished England for that time: but this sentence was thought too favourable, and gave the king no satisfaction.

Fitz-Step-
 phen. *ibid.*

351.

Farther; a clerk in Worcestershire had debauched a farmer's daughter, and afterwards murdered her father. The king required this man should be tried in the civil courts; but archbishop Becket, refusing to comply, ordered the malefactor to be kept in the prison of the bishop of the diocese, and not to be put into the hands of the king's justices.

To give one instance more: another clerk stole a silver chalice out of a church in London, called St. Mary's in the Market; the king would have had this man prosecuted and punished in his own courts; instead of this, the archbishop brought him into the ecclesiastical court, where he was sentenced to be degraded; and to satisfy the king farther, he was branded in the face with a hot iron.

The king, therefore, to draw this exemption from the

clergy, and bind the bishops more solemnly to their late promise, summoned a convention of the lords spiritual and temporal to Clarendon.

HENRY
II.
K. of Eng.

*The conven-
tion at
Clarendon.*
Hoveden,
Annal. fol.
282.
Chronic.
Gervas. col.
1385.

And here archbishop Becket declared he had gone too far in his late engagement to the king, and that he thought himself obliged to retract his submission. This receding from his promise made the king extremely angry, who threatened the archbishop and his friends with the utmost severities. To prevent this storm, the bishops of Salisbury and Norwich, Robert, earl of Leicester, Reginald, earl of Cornwall, and two knights templars, came to the archbishop, and throwing themselves at his feet, entreated him not to carry things to extremity for fear of the consequence; that it was necessary for him to wait upon the king immediately, and make a publick acknowledgment of his submission. The archbishop, overruled by the entreaties of these great men, came into the presence, and declared before the clergy and laity that he was ready to conform to the ancient laws of the kingdom, as the king was pleased to call them. He likewise gave his suffragans liberty to follow his precedent, and engage to the same conformity. Things being thus far adjusted, the king commanded all the earls and barons to withdraw, and make a draught of the laws of his grandfather, king Henry, and bring it engrossed. This being done, the king ordered the archbishops and bishops to put their seal to the instrument. And the rest being ready to comply, the archbishop swore he would never put his seal, nor give any other marks of his consent to that draught. The king, perceiving the business at a stop, altered the form, and had the laws drawn up by way of indenture, and put one part of the instrument into the archbishop's hands, which he received of the king, though against the advice of the clergy.

*The arch-
bishop's un-
steadiness.*

It seems the prelates had sworn implicitly to the keeping of the king's laws, without examining the contents, or making a particular enquiry; and that they were afterwards shocked at hearing them read. And the archbishop being very desirous to clear himself, declared that he never engaged to resign himself to this draught; that he was made to believe his promise would be construed no farther than ceremony, and a salvo for the king's honour, and the giving him a publick respect before the great men of the

Hoveden,
Annal. fol.
282.

*The clergy
swear im-
plicitly.*

BECKET,
Abp. Cant.
Ibid.

kingdom. However, it was now too late to offer such excuses. He was therefore obliged to receive one part of the instrument, the archbishop of York had another, and the third was laid up among the records of the crown.

These constitutions of Clarendon were sworn and signed by the laity as well as the clergy. They are divided into sixteen articles, following:—

*The Consti-
tutions of
Clarendon.*

I. When any difference relating to the right of patronage arises between the laity, or between the laity and clergy, the controversy is to be tried and ended in the king's courts.

II. Those churches which are fees of the crown, cannot be granted away in perpetuity, without the king's consent.

III. When the clergy are charged with any misdemeanor, and summoned by the justiciary, they shall be obliged to make their appearance in his court, and plead to such parts of the indictment as shall be put to them. And likewise to answer such articles in the ecclesiastical court as they shall be prosecuted for by that jurisdiction; always provided that the king's justiciary shall send an officer to inspect the proceedings of the court Christian. And in case any clerk is convicted or pleads guilty, he is to forfeit the privilege of his character, and to be protected by the Church no longer.

IV. No archbishops, bishops, or parsons, are allowed to depart the kingdom without a licence from the crown; and provided they have leave to travel, they shall give security, not to act or solicit anything during their passage, stay, or return, to the prejudice of the king or kingdom.

V. When any of the laity are prosecuted in the ecclesiastical courts, the charge ought to be proved before the bishop by legal and reputable witnesses; and the course of the process is to be so managed, that the archdeacon may not lose any part of his right, or the profits accruing to his office; and if any offenders appear to be screened from prosecution upon the score either of favour or quality, the sheriff, at the bishop's instance, shall order twelve sufficient men of the vicinage to make oath before the bishop, that they will discover the truth, according to the best of their knowledge.

VI. Excommunicated persons shall not be obliged to

make oath, or give security to continue upon the place where they live; but only to abide by the judgment of the Church, in order to their absolution.

HENRY
II.
K. of Eng.

VII. No person that holds in chief of the king, or any of his barons, shall be excommunicated, or any of their estates put under an interdict, before application made to the king, provided he is in the kingdom: and in case his highness is out of England, then the justiciary must be acquainted with the dispute, in order to make satisfaction; and thus that which belongs to the cognizance of the king's court must be tried there, and that which belongs to the court Christian must be remitted to its jurisdiction.

352.

Upon the mention of these two articles, it may not be amiss to give the reader the old form of excommunication used in the English Church.

Forma Solemnis Excommunicationis.

Ex auctoritate Dei Patris, et Filii, et Spiritus Sancti, necnon et Sanctæ Mariæ genetricis Dei, et Domini nostri Jesu Christi, et Sancti Michaelis, et sanctorum angelorum et archangelorum, et Sancti Petri et Pauli; et sanctorum apostolorum, et Sancti Stephani et sanctorum martyrum, et Sancti Martini et sanctorum confessorum, et Sanctæ Mariæ Magdalænæ, et Sanctæ Katerinæ, et omnium sanctarum virginum et omnium Sanctorum Dei, excommunicamus, damnamus, anathematizamus, et a liminibus sanctæ matris Ecclesiæ sequestramus illos; ut, quos maledicere statuimus, maledicti sint, intus et extra, nullam societatem habeant Christianorum, maledicti sint ambulando, sedendo, stando, manducando, bibendo, vigilando, dormiendo: maledicti sint in domo, in vico, in agris, et in sylvis, in terris et in aquis; maledicti sint in omnibus membris, a planta pedis usque ad verticem, non sit in eis sanitas. Sit pars eorum cum Dathan et Abiram, et Nerone, et Simone Mago, et cum Juda proditore Domini; nisi resipuerint, et ad emendationem venerint: et sicut extinguuntur candelæ istæ, ita extinguantur animæ eorum in inferno, Fiat, fiat, fiat, Amen.

Ex Biblioth.
Cotton. Vi-
tellius, E.
18.

To proceed:

VIII. In case of appeals in ecclesiastical causes, the first step is to be made from the archdeacon to the bishop; and

BECKET,
Abp. Cant.

from the bishop to the archbishop; and if the archbishop fails to do justice, a farther recourse may be had to the king, by whose order the controversy is to be finally decided in the archbishop's court. Neither shall it be lawful for either of the parties to move for any farther remedy without leave from the crown.

IX. If a difference happens to arise between any clergyman and layman concerning any tenement, and the clerk pretends it held by frank almoine, and the layman pleads it a lay fee; in this case the tenure shall be tried by the enquiry and verdict of twelve sufficient men of the neighbourhood, summoned according to the custom of the realm. And if the tenement or thing in controversy shall be found frank almoine, the dispute concerning it shall be tried in the ecclesiastical court; but if it is brought in a lay fee, the suit shall be followed in the king's courts, unless both the plaintiff and defendant hold the tenement in question of the same bishop; in which case the cause shall be tried in the court of such bishop or baron; with this farther proviso, that he who is seized of the thing in controversy shall not be dis-seized pending the suit, upon the score of the verdict above mentioned.

X. He who holds of the king, in any city, castle, borough, or resides upon any of the demesne lands of the crown; in case he is cited by the archdeacon or bishop to answer for any misbehaviour belonging to their cognizance; if he refuses to obey their summons and withstand the sentence of the court, it shall be lawful for the ordinary to put him under an interdict, but not to excommunicate him till the king's principal officer of the town shall be pre-acquainted with the case, in order to enjoin him to make satisfaction to the Church. And if such officer or magistrate shall fail in his duty, he shall be fined by the king's judges. And then the bishop may exert his discipline on the refractory person as he thinks fit.

XI. All archbishops, bishops, and other ecclesiastical persons, who hold of the king in chief, and the tenure of a barony, are, for that reason, obliged to appear before the king's justices and ministers, to answer the duties of their tenure, and to observe all the usages and customs of the realm; and, like other barons, are bound to be present at

trials in the king's court, till sentence is to be pronounced for the losing of life or limbs.

HENRY
II.
K. of Eng.

XII. When any archbishoprick, bishoprick, abbey, or priory of royal foundation, becomes vacant, the king is to make seizure; from which time all the profits and issues are to be paid into the exchequer, as if they were the demesne lands of the crown. And when it is determined that the vacancy shall be filled up, the king is to summon the most considerable persons of the chapter to court, and the election is to be made in the chapel royal, with the consent of our sovereign lord the king, and by the advice of such persons of the government as his highness shall think fit to make use of. At which time the person elected, before his consecration, shall be obliged to do homage and fealty to the king, as his liege lord; which homage shall be performed in the usual form, with a clause for the saving the privilege of his order.

XIII. If any of the temporal barons or great men shall encroach upon the rights or property of any archbishop, bishop, or archdeacon, and refuse to make satisfaction for wrong done by themselves or their tenants, the king shall do justice to the party aggrieved. And if any person shall disseize the king of any part of his lands, or trespass upon his prerogative, the archbishops, bishops, and archdeacons, shall call him to an account, and oblige him to make the crown restitution. That is, they were to excommunicate such disseizers and injurious persons, in case they proved refractory and incorrigible.

353.

XIV. The goods and chattels of those who lie under forfeitures of felony or treason, are not to be detained in any church or churchyard, to secure them against seizure and justice; because such goods are the king's property, whether they are lodged within the precincts of a church, or without it.

XV. All actions and pleas of debt, though never so solemn in the circumstances of the contract, shall be tried in the king's courts.

XVI. The sons of copy holders are not to be ordained without the consent of the lord of the manor where they were born.

Quadrilog.
l. 5. Gervas.
Chronic.
col. 1386. et
deinc. Mat.
Paris, Hist.
Ang. p. 100.

These are all the articles of the Constitutions of Clarendon,

BECKET, of which the first, the third, fourth, sixth, seventh, eighth, ninth, tenth, twelfth, and fifteenth, were nulled and voided by the pope.

Abp. Cant.
Concil.
Lab. et
Coss. tom.
11. col. 1431.
et deinc.

*In case of
appeals the
controversy
was to be
ended in the
archbishop's
court.*

The eighth article, for the regulation of appeals, is particularly remarkable: for here, in case the archbishop was defective in doing justice, recourse might be had to the king; but then the controversy was still to be determined in the archbishop's court, and not elsewhere: which shews, that the cause was not taken out of the hands of the Church, but that the judges were to be ecclesiasticks, and the form of the proceedings governed by the methods of the court Christian. The last clause of the article, which forbids any farther proceeding without the king's leave, is a plain prohibition of appeals to the pope; and therefore we need not wonder to find this article cassated by Alexander III.

By the eleventh article, the bishops, like other barons, are bound to be present at trials of peers in criminal causes, and not to depart the court till sentence is to be pronounced for losing of life or limbs. For this reason, when archbishop Becket was prosecuted before the lords spiritual and temporal at Northampton, the king commanded the bishops upon their homage and allegiance, to join the lay barons, and agree upon a sentence against Becket. And when they endeavoured to excuse themselves upon their primate's prohibition, the king replied, that prohibition could not oblige them against the Constitutions of Clarendon.

Fitz-Stephen, p. 22.
Stillingfleet's Second Part of Ecclesiastical Cases, p. 267. et deinceps.

From hence it appears, that it is a great mistake to suppose, that by the Constitutions of Clarendon, the jurisdiction of bishops was limited; and that it was not to extend to the loss of life or limb. For it appears plainly, both from the article, and the course of Becket's trial at Northampton, that the bishops going out of the court, in cases of blood, before the bench came *ad diminutionem vel ad mortem*, was no limitation of their power: but on the contrary, it was a privilege they insisted on, and a liberty allowed them upon the score of the canon law. For, in archbishop Lanfranc's time, the sixth canon of the eleventh council of Toledo was passed in a synod at London: by virtue of which, no bishop, abbot, or clergyman, was to judge any person to the loss of life or limb. Upon the whole, from this article of Clarendon, and the archbishop's trial at Northampton, it is evident,

Vid. supra
ad An. 1075.

that the lords spiritual were tried by their peers: that the bishops were joined with the temporal barons upon such occasions: that their going out of the court before sentence for the loss of life or limb, was a privilege in consequence of the canons, and not any compulsion upon the score of imperfect peerage.

HENRY
II.
K. of Eng.

Archbishop Becket, after the breaking up of this convention, retired from court; and being very much dissatisfied for going this length in his compliance, suspended himself from officiating in the church about forty days, till he received absolution from pope Alexander, then at Sens.

Gervas.
Chronic.
col. 1388.

Soon after, Rotro, archbishop of Rouën, was dispatched by the pope into England, to make up the breach between the king and the archbishop. But the king would by no means consent to an accommodation, unless the Clarendon Constitutions were confirmed by the pope's bull. This condition being refused, the king sent two of his clerks, John of Oxford, and Geoffrey Ridel, to pope Alexander, to desire that Roger, archbishop of York, might be made his holiness's legate for all England. But the pope being sensible this motion was made to check the jurisdiction of the archbishop of Canterbury, thought himself obliged to deny the request. However, being willing to gratify the king, and stop the progress of the rupture, he proposed to make the king his legate for England; but with this proviso, that his highness should not distress the archbishop of Canterbury, or do anything to his prejudice.

Hoveden,
Annal. fol.
282.

Gervas.
Chronic. ib.

The king, who ordered his agents to move for this legatine commission, would have been well pleased with it, had it come clear and unembarrassed: but this encumbrance in the proviso put him in a rage, and made him return the instrument.

*The king
refuses the
pope's le-
gatine com-
mission, and
why.*

Hoveden et
Gervas. ib.

Archbishop Becket, despairing of the king's favour, endeavoured to get beyond sea, hoping by this means the king might relent upon recollection, and receive him upon easier terms. To this purpose, he procured a ship, and embarked; but before he could reach the coast of France, the crew repented their taking him on board; and being afraid of falling under the king's displeasure, they brought him back to the English shore. The king was glad to hear the archbishop miscarried in his escape; being apprehen-

*The arch-
bishop en-
deavours to
go beyond
sea, but is
disappoint-
ed.*

Gervas. ib.

BECKET, *Abp. Cant.* sive, that if Becket had made his passage, his highness might have suffered under the imputation of rigour, and an interdict been drawn upon the kingdom.

354. About this time, Octavian, the antipope, died. However, the schism continued; for Wido, bishop of Crema, was immediately set up in his stead, and went by the name of Paschal III.

This year Herebert, bishop of Glasgow, departing this life, Ingelrand, the king of Scotland's chancellor, succeeded him, and was consecrated by pope Alexander, at Sens; notwithstanding the agents of the archbishop of York made great opposition at the solemnity.

The convention met at Northampton. A. D. 1165.

To return to England: the king suspecting archbishop Becket might convey himself into France, and get out of his reach, summoned the lords spiritual and temporal to Northampton. They met on the twelfth, or as Fitz-Stephen will have it, on the sixth of October. At this convention the archbishop desired the king's leave to wait upon the pope, now in France. The king told him, he must first answer for the wrong he had done John, his marshal. It seems, this John, the marshal, had claimed a manor, or farm in the archbishop's court, as an estate held of the Church of Canterbury; and not having justice done him, as he pretended, he disclaimed the archbishop's court; and having sworn the failure of justice, according to the custom of those times, designed to remove the cause. The archbishop replied, that John had no reason to complain of hard usage: that when he disclaimed his court, he proceeded out of form, swore upon a troper or book of old church hymns; whereas, according to the laws of the realm, he ought to have made oath upon the Four Gospels. Gervase of Canterbury says positively, this John forswore himself; and Fitz-Stephen avers, he had no right to the land. However, John procured the king's writ, by which the archbishop was required to answer his complaint in the king's court. The arch-

The archbishop charged with denying justice, and disobeying the king's writ.

Fitz-Stephen, p. 21. Chronicon. Gervase. col. 1389.

His defence disallowed.

Ibid.

Gervase. ib.

bishop did not make his appearance at the day, but sent four gentlemen to the king, with letters from himself, and a letter from the sheriff of Kent, attesting the misinformation of John, and the defect of his proof: thus Fitz-Stephen. And Gervase of Canterbury relates, that the archbishop sent two men of repute to the king, to excuse his non-ap-

pearance, and to allege, that it was not done out of contempt, but because of sickness. HENRY
II.
K. of Eng.

This defence not being allowed, the archbishop was cast in the court by the barons, and most of the bishops then present, for having failed in his duty and allegiance to the king, in not appearing upon his highness's writ: for this crime, it was agreed by the court, that he had forfeited all his goods and chattels. Fitz-Stephen et
Gervas. ib.

He is fined.

This being the sentence of the court, there was a debate between the bishops and barons, who should pronounce judgment, each of them endeavouring to excuse themselves, and decline the office. The temporal barons urged, that they were laymen; that the spiritual lords were of the archbishop's order, and that therefore the sentence was their business. To this, one of the bishops replied, that this office belonged rather to the temporal barons; that the sentence was not ecclesiastick, but secular; that the spiritual lords did not sit in that court as bishops, but barons. "We are barons (says this bishop) and you are barons, and upon that foot, we are peers, or of the same quality. But if you insist upon our order, this distinction will be no ways serviceable to your allegations: for as we are bishops, we are under obligations to the see of Canterbury, and have no authority to judge our primate." *A debate between the bishops and temporal barons.*
Fitz-Stephen, p. 23.

The king being informed of this dispute, ordered the bishop of Winchester to pronounce sentence; who complied, though not without reluctance. Now, because the course of the law would not admit of non-submission to a sentence or record made in the king's court, the archbishop cast himself upon the king's mercy, and seemed to acknowledge the judgment. Ibid.

The bishop of Winchester pronounces judgment against the archbishop.

Immediately upon this, a suit was commenced against him, in the king's name, for five hundred pounds, lent him when he was chancellor. The archbishop pleaded that the money was given him; but this defence not being allowed, he was forced to give security for the debt. The next day an account was demanded of the profits of the vacant abbey and bishopricks, of which he had the custody when chancellor. To this he answered, that not being questioned for these matters at his election, he thought himself discharged from any farther account. However, to satisfy Ibid.

The archbishop prosecuted upon several actions.

Chronic.
Gervas. p.
1390.

BECKET, the king, he promised to take farther advice, and give in his answer.

He asks the opinion of the bishops.

Being under these difficulties, he consulted the bishops upon the emergency; and here they were not all agreed in their opinions.

Chronic. Gervas. col. 1390.

Gilbert, bishop of London, desired him to consider how much he had been obliged and promoted by the king; that the juncture was cross and unfriendly; that if he persisted in his noncompliance, he would not only ruin himself, but involve the whole English Church in the misfortune; whereas his submission might not improbably restore his affairs, and recover the king's favour.

The bishops divided in their opinions.

Then Henry, bishop of Winchester, delivered his opinion, and declared, that the measures suggested by the bishop of London, disabled the bishops in their functions, and was plainly destructive of the government of the Catholic Church; "For," says he, "if our primate of all England sets us such a precedent of compliance and irresolution; if a bishop is to resign his authority, and desert his charge at the beck and menaces of the prince, what can we expect, but that the Church should be thrown off her basis, her discipline made precarious, and everything managed by the arbitrary direction of the court; and then, as the Scripture speaks, 'It shall be as with the people, so with the priest.'"

355.

Hilary, bishop of Chichester, who valued himself upon his rhetorick, spoke next, and told the archbishop, that were not the times unfavourable, and the Church embroiled, he should have been of the opinion last delivered; but now, since the canons had not strength to bear up against the present opposition, he conceived a rigid insisting upon the authority of the Church was very unseasonable, and that relaxing and giving way was the only proper expedient; it was, therefore, his opinion they ought to be governed by the juncture, and yield to the king's demands, lest, by persisting in their noncompliance, they might be forced from their ground, and driven to a dishonourable retractation. Robert, bishop of Lincoln, spoke much to the same purpose. And so did Bartholomew, bishop of Exeter, who added, that since the seas ran high, they ought rather to furl the sails than perish in the storm; that since the persecution was not general, but levelled at a single person, it

was more advisable that person, though their primate, should suffer in some measure, than that the whole Church of England should be exposed to inevitable ruin.

HENRY
II.
K. of Eng.
Gervas. ib.

Roger, bishop of Worcester, being desired to speak, though he refused to affirm anything upon the question, yet his mind might be easily discovered through his caution. He told them, he should not venture to give any advice in the case; "For," says he, "if I should assert that a prelate ought to throw up the cure of souls, for fear of the king's displeasure, and be frightened out of his office, I should speak against my conscience, and my own mouth would condemn me; but if I should propose any methods of noncompliance, I should be informed against, thrown out of the king's protection, and be treated like an outlaw; therefore, I shall suspend my sense, and neither declare for one thing, nor advise the other."

Nigel, bishop of Ely, was sick of a palsy, and could not come to court. And William, bishop of Norwich, sent to excuse his absence; saying privately, that God Almighty had sent the bishop of Ely a very happy excuse, and wished himself might be covered by the same misfortune. For, it seems, Ridel had informed him how much the king was incensed against the archbishop of Canterbury.

The archbishop desired a day longer for consultation, which was granted; but the next day fell sick of the *passio iliaca*, or twisting of the guts. The king, hearing of his indisposition, sent his earls and barons to demand of him, whether he would give security to account for the profits of the vacancies which he had received in the time of his chancellorship; and whether he would stand to the judgment of the king's court in that matter. The archbishop replied, the king knew he had passed his account to his highness, upon every article required, before he was elected archbishop. And that at his election, prince Henry, his son, all the barons of the exchequer, and Richard de Lucy, justiciary of England, had acquitted him from all claims and demands upon that score: and that, being thus fully discharged, he did not think himself obliged to plead to any such action.

*The arch-
bishop de-
sires more
time.*

Fitz-Ste-
phen, p. 25.
*He justifies
himself
about pas-
sing his ac-
counts.*

This answer of the archbishop made his case still worse with the king; insomuch, that some of Becket's friends told

Hoveden,
Annal. fol.
283.

BECKET, him, he would either lose his life or be imprisoned. How-
Abp. Cant. ever, he was resolved to stand the consequence.

The morning before he was to make his appearance, the greatest part of the bishops came to him, and begged him, for the sake of the Church, and his own security, to moderate his terms, and yield to the king's pleasure; that, unless he took this course, he would be sentenced as a traitor, and perjured person, for failing in his allegiance to his sovereign lord, and breaking the ancient customs of the kingdom, which he had sworn to keep.

*Chronic.
Gervas. col.
1391.*

To this the archbishop answered, that he owned himself inexcusable before God Almighty for taking so unlawful an oath; but since it was better to retract a promise, though ever so solemnly made, than to perish under it, therefore, he was resolved to disengage himself, and not fall under a new guilt in the performance. David swore indefensibly, and repented; whereas Herod, who was resolved to stand by his oath, was lost by making it good. "I enjoin you," says he, "therefore, to follow me in my refusal, and not to encourage those methods which make the government of the Church impracticable. To deal clearly, it is a scandalous thing for you, not only to desert me under these difficulties, but to join the court party, as you have lately done, and sit in judgment upon your spiritual father, and archbishop. I charge you, therefore, upon your canonical obedience, to desist from these practices for the future; and as for myself, I appeal for justice to the see of Rome. And if, as the report goes, I happen to be dispatched, and fall under violence, I command you, upon your duty of suffragans, that you make use of your authority, and exert the censures of the Church upon the outrage."

*He charges
the bishops
not to join
with the
barons at his
trial.*

Gervas. ib.

*He appeals
to the pope,
and carries
his cross
erected into
the court.*

*Fitz-Ste-
phen, p. 26.*

Upon this the bishops left him, and went to the king. The archbishop likewise, after he had officiated at divine service, came to court with his cross in his hand, and sat by himself in an antechamber, all his suffragans, and the temporal barons, being called in to the king. The archbishop of York, the bishops of London and Hereford, advised him to deliver the cross; that his carrying it himself would be interpreted as an act of defiance; and that unless he desisted, he would find the king's weapons much sharper than his own. Archbishop Becket answered, that the king's in-

struments of punishment could only destroy the body, but the spiritual sword, if not avoided, would give a more fatal stroke, and send a man's soul to hell.

HENRY
II.
K. of Eng.
356.

The bishops, in reporting his answer to the king, told his highness, that the archbishop complained of them for joining with the barons against him; he likewise remonstrated that the king's court had treated him with an unprecedented rigour, that his non-appearance could not equitably be strained to a contempt, and that the forfeiture of all his goods and chattels for a single default, was a punishment much too heavy. The bishops likewise told the king, that Becket had appealed to the pope, and forbidden them to join the barons, and sit upon the bench against him in any civil or criminal matter.

Hoveden,
fol. 283.

The king, much displeased with this report, sent the earls and barons to the archbishop to interrogate him whether he designed to stand by this appeal to the pope, and the injunction lately given to his suffragans. They advised him to recollect he was the king's liegeman, bound to him by the common ties and homage of a subject; and, more particularly, by his oath at Clarendon, by virtue of which he promised upon the assurances of sincerity and good faith, to submit to the usages of the realm, and the prerogative royal; and that one article of the Constitutions of Clarendon was, that the bishops should be present at all trials of the great men, till the court came to pronounce sentence for the taking away life or limb.

Fitz-Stephen, p. 27,
28.

*They urge
him with his
oath at Cla-
rendon.*

Ibid.

Archbishop Becket persisting in his appeal to the pope, the king pressed the bishops, upon their homage and allegiance, to join the barons, and proceed to sentence. The prelates excused themselves, upon the score of the prohibition they had lately received. The king, not satisfied with this reason, told them Becket's prohibition ought not to overrule their allegiance, and make them break their oath at Clarendon. The bishops replied, that in case they did not obey the archbishop's prohibition, he would excommunicate them; that, therefore, they humbly conceived it would be for the interest of the king and kingdom to give their primate satisfaction in that point. However, at last, at the king's instance, they went again to the archbishop.

Id. p. 29.

And now the bishop of Chichester represented to him

BECKET, *Abp. Cant.* how strictly they were all bound by the Constitutions of Clarendon, and that they wondered he should put them upon breaking their engagement.

He persists in his appeal, and replies to their reasons.

The archbishop replied, that nothing which was promised at Clarendon ought to be wrested to the prejudice of the Church. That notwithstanding the oath was cautiously worded, and that they promised to keep it upon the faith of honest men, and without collusion; yet if the contents of the oath were repugnant to the doctrine of the Church, and the laws of God, it could not be fairly kept. He told them, moreover, that a Christian king, who had sworn to maintain the liberties of the English Church, could not be supposed to have any prerogative inconsistent with that engagement. He added farther, that those which they called royal dignities were disallowed by the pope, and that they ought to be governed by the precedent of the Roman Church. And, lastly, that if they had gone too far in their compliance at Clarendon, they ought not to persist in their mistake, and plead one fault in excuse for another. They should rather recollect themselves, awaken their courage, and recover their old ground; for no man is bound by an unjust promise, except to repent of it.

Id. p. 31.

The bishops, upon their return to the king, being excused from judging the archbishop, sat apart from the barons. However, the king commanded the temporal nobility to proceed to sentence; and here the king ordered several sheriffs, and ancient barons of inferior rank, to make part of the bench.

Id. p. 32.

The prelates renounce archbishop Becket, and appeal against him to the pope.

The prelates, to avoid the king's displeasure for declining to judge the archbishop of Canterbury, promised to prosecute him for his misbehaviour at the court of Rome, and get him deposed. This expedient giving the king satisfaction, they all went to the archbishop; and Hilary, bishop of Chichester, in the name of the rest, told him, that they had formerly owned him under the character of the archbishop of Canterbury, and thought themselves obliged to treat him accordingly; but now, since he had failed so grossly in his duty to the king, and broken the laws he had sworn to observe, they pronounced him guilty of perjury: that this falsehood had dissolved the relation between them, and discharged them from the obligations of canonical obe-

dience: that now, therefore, they must be forced to disclaim his authority; put themselves and their churches under the pope's protection: and, lastly, they summoned the archbishop to appear before the pope, to answer the charge they intended to bring in against him.

HENRY
•II.
K. of Eng.

Chronic.
Gervas.
p. 1892.

When the bishops had made this remonstrance, they withdrew, and sat by themselves. Upon this, the king, who was sitting in another room, ordered the temporal lords to consult about the sentence, and pronounce it against the archbishop. And now, the earl of Leicester, and the rest of the earls and barons, coming out to the archbishop, began to enlarge upon the Constitutions of Clarendon, to charge him with the breach of his oath, and raise the impeachment to high treason: and, being just ready to pronounce sentence, the archbishop rose up and told him, that they were laymen, and had no authority to sit in judgment upon their archbishop. He charged the earl of Leicester, therefore, not to be so hardy as to pronounce sentence upon his spiritual father; for it was neither consistent with law nor reason that children should sit as judges upon their fathers. He told him, moreover, he had appealed to a higher court, that this was enough to bar their proceedings, supposing he had been otherwise within their jurisdiction. He added farther, that when the Church of Canterbury was put into his hands, he demanded in what condition he was to stand: *Et responsum est, liberum et quietum ab omni nexu curiali me redderet.* That this post rendered him not accountable to the king's court; he should not, therefore, do anything to the prejudice of that exemption. "For these reasons, son earl," says he, "I protest both against your sentence and the king's, as being to be judged by none but God and the pope." Upon this, he walks out of the court, and being reproached by some of the company for perjury and treason, he turned back, and with a stern look replied, that were it not for the restraints of his character, and the regards of religion, he should be ready to disprove the calumny, and defend his honour sword in hand.

Fitz-Stephen, p. 32.
Chronic.
Gervas. ib.
The archbishop declines the judgment of the king's court, and pleads his exemption.
357.

Fitz-Stephen, p. 32.
Quadrilog.
l. 1. c. 38.
Gervas.
Chronic. p. 1393.
Gervas. ib.

The king being informed of his going away, ordered proclamation to be made, that no man should outrage him, or his retinue, with ill language, or give him any manner of disturbance. That night he sent three bishops to the king,

The king publishes a proclamation not to insult the archbishop.

BECKET, Abp. Cant.

The archbishop makes his escape into Flanders.

Fitz-Stephen, p. 33, 34.

Hoveden, Annal. fol. 284.

Fitz-Stephen, p. 34.

Baron. Annal. tom. 12. sect. 33. ad An. 1164.

An order published to prevent bringing over an interdict.

Ibid. sect. 34.

The king sends an embassy to the king of France not to entertain Becket.

to desire his permission, and a passport, to go beyond sea: the king sent him word he should have his answer in the morning. But the archbishop fearing that delay might prove dangerous, set forward immediately, with only two servants to attend him. From Northampton he travelled to Lincoln, disguised himself, and went by the name of Dereman: and after a great deal of fatigue, procured a vessel at Sandwich, in Kent, and arrived at Gravelines.

When the king and council were informed that the archbishop had quitted the kingdom, they consulted about proper measures. And here it was resolved not to seize the revenues of the Church of Canterbury, because both the archbishop and his suffragans had appealed to the pope.

However, this lenity was but of short continuance; for soon after, the king wrote to all the bishops, acquainting them with archbishop Becket's undutiful departing the kingdom, commanding them not to suffer those clerks who had adhered to Becket in his obstinacy, or attended him in his escape, to receive any of the profits of their benefices, unless by his especial order, or to assist them with any countenance or advice: and not long after another order was published, to seize the revenues of the archbishoprick for the king's use. The king likewise ordered the ports to be carefully guarded, to prevent the bringing over an interdict: that if any such instrument was taken upon a monk, he was to have his feet cut off: if upon a clerk, his eyes were to be put out. If a layman was taken with it, he was to be hanged: and if a leper, to be burnt. And if any bishop was afraid to stay in England for fear of the archbishop's interdict, he was allowed to take nothing but his staff along with him. The king likewise ordered all scholars in foreign parts to return home under the penalty of losing their preferments, and being banished for ever: that those priests who refused to officiate should be castrated, and that all those who were refractory and contumacious, should lose their benefices.

Baronius places these transactions to the year 1164; but Hoveden reckons them to the next year.

Before archbishop Becket could reach the king of France, Gilbert Foliot, bishop of London, and William, earl of Arundel, arrived at the French court with instructions from the king of England, to prevail with that prince not to

afford the archbishop of Canterbury any shelter in his dominions; and that he would solicit the pope not to admit him to any degree of favour or familiarity. Letters of the same tenor were sent to the earl of Flanders. Upon the French king's hearing them read, that Becket was charged with treason, and called *the late* archbishop of Canterbury, he seemed to be shocked, and asked who had deprived him? "I am a king," says he, "no less than your master, and yet I have no authority to deprive the least clerk in my dominions." In short, the more earnest the English ambassadors were to get the archbishop chased out of France, the more king Lewis seemed to espouse his cause. To this purpose he sent his almoner to pope Alexander, then at Sens, to request his holiness, that if he had any regard for the honour of the Roman Church, or the friendship and assistance of France, he would give all the countenance possible to Thomas, archbishop of Canterbury, and protect him against the tyrant of England.

HENRY
II.
K. of Eng.

Hoveden,
Annal. fol.
284.
Chronic.
Gervas. p.
1394.

The king of England not succeeding at the French court, sent a splendid embassy to the pope; the persons, as they stand in Hoveden, and Gervase of Canterbury, are these: Roger, archbishop of York, Henry, bishop of Winchester, Gilbert, bishop of London, Hilary, bishop of Chichester, and Bartholomew, bishop of Exeter; Guido Rufus, Richard Ivecestre, and John of Oxford, clerks; William, earl of Arundel, Hugo de Gundevil, Bernard de St. Vallerie, and Henry Fitzgerald, &c. They found the pope and cardinals at Sens, in Champagne. Being admitted to an audience, the bishops of London and Chichester opened the charge against archbishop Becket with great vehemence and aggravation. They informed his holiness that the prelate had engaged in a quarrel with the king upon a trifling occasion. That he was a person of too much heat, stiffness, and singularity, and would give no allowance for the disadvantage of the times: that his measures were so indefensible and dangerous, they were forced to break with him: that he was angry with them for their non-concurrence, and endeavoured to throw the blemish of his own rashness and ill conduct upon them, upon the king and kingdom. To give the better colour to this practice, and misreport his brethren, he had

*The king
sends another embas-
sy to the
pope.*
Ibid.

*The ambas-
sadors'
speeches
against the
archbishop.*

BECKET,
Abp. Cant.

Chron.
Gervas. ib.

pretended danger, and withdrawn himself out of the country; whereas, in truth, he neither was outraged nor threatened; but, as the Scripture speaks, "The wicked flies when no man pursues." This speech was seconded by the archbishop of York and the bishop of Exeter, but with somewhat less satire in the expression.

The earl of Arundel, though he confessed himself not scholar enough to understand what the bishops delivered, yet perceiving by the countenances of the conclave, the rugged manner was not relished, delivered himself in English with more smoothness and address. He endeavoured to bring the pope to his point, by owning his supremacy to the height: he suggested that the king had sent the first quality of the kingdom to wait upon him. From thence he proceeds to put him gently in mind of the favours his holiness had received from his master, and how firm he continued to his interest: and then, touching upon archbishop Becket, he owned him to be a person of capacity and conduct, and well qualified for his station: however, in the opinion of some people, he was thought to insist too much upon niceties: he entreated his holiness, therefore, to take the matter into consideration, and pitch upon some expedient to put an end to this unhappy misunderstanding.

Ibid.

*The pope
refuses to
send legates
with powers
for a final
decision.*

The earl was very much commended by the audience for the temper of his harangue: and the pope told him, that since they desired his legates might decide the matter, he would take care to send them. The bishop of London was extremely pleased to hear this; and after a very low reverence, asked the pope with what powers the legates were to be furnished. His holiness replied, he would give them a sufficient latitude in their instructions. "But," says the bishop of London, "we desire they may be empowered to decide the matter without any farther appeal." "No," says the pope, "that privilege is my glory, which I will not give to another: whenever that archbishop is brought upon his trial, it shall be before me; for it would be strangely unreasonable to order him back to England, for his enemies to pronounce sentence upon him."

The pope likewise told the ambassadors, he expected the archbishop in a few days, and desired them to stay, for that

nothing could fairly be determined till he was heard: but the ambassadors replied, their time set them by the king was up, and so took leave.

HENRY
II.
K. of Eng.
Ibid.

Soon after, archbishop Becket came from St. Bertin in Flanders, to Soissons. Here Lewis, king of France, paid him a visit, offered him his protection, and a maintenance for him and his retinue out of the exchequer. The archbishop returned his majesty thanks, but did not make use of the pension. From Soissons he went to Sens, and was very honourably received by the pope. And here, falling down at his holiness's feet, he delivered him a copy of the Constitutions of Clarendon, which being read in a full audience, the pope annuled part of them, as has been observed already, and, as Hoveden relates, excommunicated all those that should maintain them.

*The arch-
bishop waits
upon the
pope at Sens
and resigns
the arch-
bishoprick.*

Afterwards, at a private audience, the archbishop confessed to the pope and cardinals, that his election to the see of Canterbury was not altogether canonical, but overruled by the secular magistrate: therefore, having reason to apprehend the issue would prove unprosperous, and not finding his strength proportioned to the employment, he thought it most advisable to resign: and upon this he took off his ring, and put it into the pope's hands. After this, the archbishop withdrew, and left the pope and cardinals to consult upon the point. Some of the conclave were pleased with this resignation; thought they had now a fair opportunity of giving the king satisfaction, by putting a more acceptable person in the church of Canterbury: and as for archbishop Becket, it would be no difficult matter to make provision for him another way. But others were of a quite different sentiment. They argued that archbishop Becket had ventured his life and fortune, and run the utmost hazards in defence of his spiritual authority; that this decision would be a case of precedent; that if the archbishop sunk in the contest, the rest of the bishops of the Catholic Church would sink with him, the regale carry all before it, and the pope's power dwindle, and be lost. It was therefore highly expedient to restore this prelate to his post, though against his inclination, and to stand by him who had entered the lists in behalf of the whole Church. This opinion prevailing, the archbishop of Canterbury was called in, and restored to his

Hoveden,
Annal. fol.
284.

*The pope
restores him
to his cha-
racter.*

BECKET,
Abp. Cant.

Chronic.
Gervas. col.
1397, 1398.

charge by the pope, who promised to abet his interest and take care of him.

From hence the archbishop removed to Pontiniac, an abbey in Burgundy, where he continued almost two years, and spent his time in religious exercises.

See Re-
cords, num.
23.
Quadrilog.
l. 4. Hove-
den et
Chron. Ger-
vas.

The king being obstructed in the business of the embassy, both by the pope and the French king, grew very angry, ordered the revenues of the archbishoprick to be seized, and that if any clerk or layman appealed to the court of Rome, he should be taken into custody till the king's pleasure was farther known. This order is reckoned by Quadrilogus and Hoveden to the year 1166, though Gervase of Canterbury mentions it a year sooner.

*The king
banishes
archbishop
Becket's re-
lations.*

The king likewise banished the relations of the archbishop with great rigour, sparing neither age nor sex; for children in the cradle, and women in childbed, fell under the sentence and were hurried over sea. Those who were men and women were obliged to make oath that they would travel directly to Pontiniac, and shew themselves to the archbishop. This was done to put a new sting into his misfortunes, by making him sensible how many persons were undone upon his account. There was likewise an order published in England, to forbid all persons corresponding with him by letters, making him any presents, or so much as praying for him in the Church.

Chron. Ger-
vas.
*Orders sent
by the king
out of Nor-
mandy to be
observed in
England.*

Some time before this, as Hoveden reports, the king arrived in Normandy, where he had several constitutions drawn up and published against pope Alexander and Thomas, archbishop of Canterbury. These constitutions were sent into England to the king's justices, Richard de Lucy, Geoffrey Ridel, archdeacon of Canterbury, and Richard de Ivelcestre, archdeacon of Poitiers, with a command that both themselves and all the great men and commonalty of the kingdom should swear to keep them. The articles are these:—

1. "If any person shall be taken with the pope's letters about him, or any order from the archbishop of Canterbury, importing an interdict, let him be seized, and immediately tried and punished, as a traitor against the king and kingdom.

2. "No clerk or monk shall be permitted either to go out

of England or return, without a passport from the judges at his going out, and the king's licence for his coming back. And if any person shall be found to act contrary to this order, he shall be seized and imprisoned. HENRY
II.
K. of Eng.

3. "It shall not be lawful for any person to appeal to the pope or the archbishop.

4. "No plea shall be held by virtue of any order from the pope or the archbishop, neither shall their mandate be received by any person in England, under the penalty of imprisonment.

5. "No person shall be allowed to carry any message from either clerk or layman to the pope or the archbishop; he that presumes to do so shall be seized and imprisoned.

6. "If any bishops, clerks, abbots, or laymen, shall obey any interdict, they and all their relations shall be immediately banished the kingdom; neither shall they be allowed to carry any of their goods and chattels along with them.

7. "That the estates, goods, and chattels of those who adhere to the pope and the archbishop, of what degree, sex, or condition soever, shall be forfeited.

8. "That clerks having revenues in England, and living beyond sea, shall be summoned to return into England within three months; and in case they do not come over within the time appointed, their estates shall be seized to the king's use.

9. "That the Peter-pence shall be no longer returned to the pope, but paid into the exchequer, and disposed of as the king shall think fit.

10. "That the bishops of London and Norwich shall be summoned by the sheriffs to appear before the judges, and fined at the king's pleasure for breaking the Constitutions of Clarendon, by interdicting the lordships of Hugh, earl of Norfolk, in pursuance of an order from the pope, and by publishing the pope's excommunication against the said Hugh, without leave from the king's justices. Quadrilog.
l. 5.
Hoveden,
Annal. fol.
284.

Not long after this, archbishop Becket wrote to the king, then at Chinon in Touraine: in the beginning of the letter he puts him in mind how faithfully he had served him in his chancellorship; that he looked upon the king in a double capacity, both as his sovereign and his spiritual son; that as he was his sovereign, he was obliged to pay him a pro- Archbishop
Becket's let-
ter to the
king.

BECKET,
Abp. Cant.

*A grand
mistake.*

360.

found regard, and offer him his best advice. And as he was his spiritual son, that relation obliged him to the exercise of discipline, when occasion required. Afterwards he proceeds to suggest, that the Church of God consisted of two orders, the clergy and the laity. That the government of the Church is intrusted to the first: thus the commission runs to St. Peter, and under his name to the rest of the bishops, "Thou art Peter, and upon this rock will I build my Church, and the gates of hell shall not prevail against it." In the division of the laity, kings, dukes, and other distinctions of magistracy and jurisdiction are to be reckoned. To these the management of secular affairs is committed, for the benefit of the community. "Now, since it is certain, with all respect to your highness," says the archbishop, "that kings receive their authority from the Church, and not the Church hers from them, but from our Saviour; for this reason, your highness ought not to direct the censures of the Church; to command the bishops to absolve or excommunicate; to force the clergy to make their appearance in secular courts, to take cognizance of pleas concerning tithes and the rights of churches; to forbid the bishops exercising their jurisdiction against perjury and breach of faith; not to mention several other things of this nature which make part of the ancient customs, as your highness is pleased to call them." And after citing some texts of Scripture against unrighteous laws and oppressing the poor in judgment, he goes on and desires the king to hearken to the advice of his liege subject, the admonition of his bishop, and the correction of his spiritual father, and not maintain any correspondence with schismatics. "It is well known," says he, "with what regard you have treated the pope, and what suitable returns his holiness has made your highness. I entreat you, therefore, as you tender the interest of your own soul, not to lessen the privileges of the Church of Rome, but permit her the same liberty in your kingdoms as she enjoys in other parts of Christendom. And that your highness would please to remember the declaration you made upon the altar at Westminster at your coronation, and that there you solemnly promised to protect the Church of God in all her rights and privileges. I farther entreat your highness would restore the church of Canterbury to that

state and condition of advantage it was in under your predecessors and mine; that you would likewise return the towns, castles, and lordships belonging to the Church, which you have seized and disposed of, and all other effects and estates taken either from my clerks or the laity, my tenants; and that you would permit me to return with safety and freedom to my see; which if you please to grant, you shall find me ready to serve you with all imaginable regard, fidelity, and affection, consistent with the duty I owe to God Almighty, the deference due to the Church of Rome, and the privilege of my order. But if your highness shall think fit to refuse me this request, you will certainly find the ill effects of such a resolution, and draw down the divine vengeance upon you."

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About this time he wrote a sharp reprimanding letter to his suffragans; he begins his complaint against them in the language of the Scriptures: "'Why do ye not,'" says he, "'my beloved brethren, rise up with me against the wicked, and take my part against the evil-doers?' Why do you not stand by me against the workers of iniquity? Do ye not know that God will destroy those who seek to please men, and make flattery and interest their business? 'They shall be confounded, because the Lord has despised them.' Your wisdoms must needs be sensible, that not to appear against an error, is to approve it; and that truth is betrayed, by not being defended. Thus St. Gregory affirms, that those who fail in their endeavours to put a stop to ill practice, make themselves a party to the fault. These things considered, our forbearance with respect to our sovereign lord the king has held out to the utmost lengths which are defensible; neither has the Church of God found any advantage in this passive temper. I look upon it, therefore, as a dangerous expedient to let discipline sleep any longer, and to suffer the Church of God and the clergy to be so excessively harassed by his highness, without censure and animadversion; especially since I have frequently endeavoured to bring him off from such unaccountable measures, by letters, messages, and all other methods imaginable. And since all my advice and remonstrances have proved ineffectual, I have been forced upon a farther remedy, and after the imploring the divine assistance, have publicly condemned and annulled

Hoveden,
Annal. p.
285.
Quadrilog.
l. 5.
*The arch-
bishop's let-
ter to his
suffragans.*

BECKET,
Abp. Cant.

those perverse customs, by which the Church of England is so miserably outraged and embroiled. We have likewise excommunicated all those that shall abet, keep, or appear in defence of them. And as for you bishops, who have been so unfortunate as to enter into engagements to the prejudice of the Church, we have, by the divine authority committed to us, absolved you from that obligation. Who can make the least doubt, but that bishops, commissioned by our Saviour, ought to be looked upon as the instructors and fathers of kings and princes, no less than of the rest of the faithful? Now, is it not a very lamentable mispersuasion for the son to attempt to invert this relation, to force his father into unreasonable engagements, and bring him under his jurisdiction? Notwithstanding, he believes, at the same time, this spiritual parent has an authority which will reach him both in this world and the other. That we may not, therefore, involve ourselves in the guilt of these practices, we have declared against the authority of these unreasonable Constitutions, and made void the articles, especially the following: That there shall be no appeals made to the apostolick see without leave from the king. That it shall not be lawful for any archbishop or bishop to depart the kingdom, and attend the pope upon his summons, without the king's licence. That it shall not be lawful for any bishop to excommunicate any person who holds of the king in chief, or put any of his ministers under an interdict, without leave from his highness. That no bishop shall call any person to an account for perjury or breach of promise. That clerks shall be obliged to make their appearance in secular courts upon prosecution. That the laity shall have cognizance concerning pleas of tithes, with other things of the like nature. We likewise pronounce John of Oxford excommunicated, for adhering to an uncatholick communion, and endeavouring to revive the schism in Germany, and particularly for communicating with that flagrant schismatick, Reginald, archbishop of Cologne." By the way, this Reginald was a great enemy to Alexander III., and the head of the anti-pope's party. Archbishop Becket proceeds with his suffragans, and, to speak in his person, informs them: "We likewise excommunicate the said John of Oxford for usurping the deanery of Salisbury, contrary to our mandate, and that

of our lord the pope. A practice of that scandal and presumption, so notorious an invasion upon right, and so dangerous in the example, that we have thought fit to annul, and strike it dead ; commanding the bishop and chapter of Salisbury, upon their canonical obedience, and under the forfeiture of their order, never to receive him in the quality of dean. We have also excommunicated Richard de Ivelcestre, for holding correspondence with that schismatical prelate, Reginald, bishop of Cologne, for practising with the Germans against pope Alexander III., and making it his business to draw the king of England into that interest.

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II.
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“We have likewise excommunicated Richard de Lucy and Jocelin de Balliol, who suggested those unaccountable Constitutions, and put them into form. Ralph de Brock, Hugo de St. Clare, and Thomas Fitz-Bernard, are likewise under the same censure, for making seizure of the revenues of the church of Canterbury, for defrauding the poor of their patrimony and support, and distressing our tenants against right and privilege.—As to our sovereign lord the king’s person, we have hitherto forbore to exert any censure, hoping that time and the grace of God might bring him to recollection. Though, unless he quickly retrieves this wrong step, we shall be forced to make use of our authority. In the meantime we enjoin you, brethren, upon your canonical obedience, to publish our excommunication against the persons above mentioned, and treat them accordingly.”

361.

These remonstrating letters of the archbishop proved of no service to his interest in England, nor made any impression upon the king, who, as Huntington reports, was only provoked to greater rigour, and banished his relations, as has been mentioned already.

Hoveden,
Annal. fol.
285, 286.

Pope Alexander being informed of the king of England’s disposition and resentment, was resolved to make an effort himself, and try the strength of his character. To this purpose he wrote to the king, and after the customary salutations, desires him to consider, that as the clergy are distinguished from the laity by their habit and manner of living, so the sentence they pronounce, and the courts in which they are to be prosecuted, are altogether distinct from the other : therefore, if your highness proceeds to make a breach upon the order settled by God Almighty, to encroach upon

Hoveden,
Annal. ibid.

Pope Alexander’s letter to the king.

BECKET,
Abp. Cant.

the authority of our blessed Saviour, to enact new laws to prejudice the Church, and oppress the poor clergy, you must expect to suffer for such arbitrary methods at the day of judgment, and that 'with what measure you mete, it shall be measured to you again.' "Therefore," as the pope continues, "if either the prospect of future reward or punishment has any force upon your conscience, your highness will be sensible it is your best interest to have a regard to justice, to give every one their due; to leave ecclesiastical business to clergymen; not to interfere with the spiritual jurisdiction, nor pass the barriers between the crown and mitre. For, suppose you should employ all the profits and revenues you wrest from the Church to feed the poor, or to any other pious use, the charity would be no more acceptable to God Almighty, than if you should rifle one altar to furnish another: or, if you should crucify Peter in order to rescue Paul. Upon this occasion, your highness would do well to remember, how king Saul was punished for reserving the spoil of the Amalekites against the divine commandment; though he pretended it was all done for sacrifice and adoration. And thus, when king Uzziah ventured to offer incense, and intrude upon the priest's office, he was immediately struck with leprosy." The rest of the letter concludes by way of admonition, that the king should attribute his successes to the blessing of Providence, and not to his own force and conduct: that he would please to consider, God had placed him in that station for the benefit of his Church; and that he would hearken to sober and serviceable advice, and not be governed by the suggestions of ill men.

A. D. 1166.

Id. fol. 287.

*The pope's
letter to the
bishop of
London.*

This pope wrote another letter to Gilbert, bishop of London, in behalf of archbishop Becket. In this letter he thanks the bishop for the pains he had taken to soften the king, and bring him to a right understanding: he congratulates him on his success in this affair, and for making the king more deferential to the see of Rome. He desires him to proceed in his diligence, to cultivate that good disposition, and work his highness to a farther reconciliation with the archbishop.

Ibid.

Indeed it was high time for the pope to treat the king with caution and ceremony: for now the English were upon the verge of a rupture; and the king threatened, that un-

less Alexander gave him satisfaction upon the heads of his former embassy, and confirmed the Constitutions of Clarendon, he would make an alliance with the emperor Frederick, and recognise Guido, the anti-pope.

HENRY
II.
K. of Eng.

To this purpose, he wrote to Reginald, archbishop of Cologne, that he had been long desirous of a fair occasion to quit pope Alexander and his perfidious cardinals; "who have been so hardy (says he) to countenance that traitor, Thomas, the late archbishop of Canterbury, against me. I have therefore, by the advice and consent of all my barons and clergy, resolved to send an embassy to Rome, to demand of the pope and cardinals not to abet that traitor Becket any longer; but to release me from him in such a manner, that by the advice of the clergy I may be at liberty to fill up the see of Canterbury with another. To demand likewise of Alexander and his cardinals, to annul all acts of archiepiscopal authority done by Thomas. My ambassadors shall also require the pope to swear publickly in their hearing, that himself and his successors will always, as far as in them lies, support my prerogative royal, and the usages of my realm, practised in the reign of my grandfather, king Henry. And in case I am refused in any article of these proposals, neither myself, my barons, nor clergy, will own pope Alexander any longer. And if any person shall adhere to him, after he is thus renounced, he shall be banished my dominions."

*The king's
letter to the
archbishop
of Cologne.*

Baron. An-
nal. ad An.
1166. sect.
2, 3.

Soon after, the king sent the bishop of London, and John of Oxford, a court clergyman, ambassadors to Rome. It was this John of Oxford, I say, and not the bishop of Oxford, as Baronius mistakes; for that city was no bishop's see till the reign of king Henry VIII. But it seems the pope was resolved not to shew himself dispirited; and therefore, in return to the menaces of the English ambassadors, he sent the king a reprimanding letter, which was not without its effect, as will appear afterwards.

*The king
sends an em-
bassy to the
pope and the
emperor.*
362.

Baron. ibid.
Chron.
Gervas. col.
1402.

The ambassadors, after this disappointment at Rome, set forward for the imperial court, and were present at the council of Wurtzburg. And here, as appears by the emperor Frederick's manifesto, they took an oath publickly in their master's name, that himself, and all his subjects would firmly adhere to pope Paschal, and disclaim the schismatical Roland, who had assumed the name of Alexander III.

Baron. An-
nal. ad An.
1166. sect. 8.

BECKET,
Abp. Cant.

His ambassadors said to exceed their commission in renouncing pope Alexander.

Ibid. sect. 9, 10.

Hoveden, Annal. fol. 287, 288.

The bishop of London's letter to the pope.

The king's disposition towards a reconciliation.

Baronius affirms, the English ambassadors exceeded their instructions, in making this oath to the emperor; and that the archbishop of Rouën cleared the king of England from giving any such commission, in a letter to one of Alexander's cardinals.

And now pope Alexander's interest standing firm against his competitor and the emperor, the English court did not think it proper to break with him. That the king's interest, or inclination, was brought back to a better correspondence with this pope, appears by the bishop of London's letter to his holiness, which was written by the king's direction.

In this letter the bishop gives the pope to understand, that he had lately waited upon the king in France: that he had laid his holiness's letter before him; that he had pressed his highness to recollect himself, to alter his measures, and treat the see of Rome with the usual deference and regard. Farther, he told the pope the king expressed himself upon this occasion with great temper and resignation, and thanked his holiness for the discipline of his letter: declaring in the first place, that he never had any thoughts of disengaging from his holiness; that he always designed to treat him as his spiritual father, provided that relation was answered on the pope's part. Neither should he dispute submission to any of his holiness's commands, upon condition, there was nothing prejudicial to his crown and dignity required of him. "And the reason," says the bishop, "why your holiness has been lately treated with some abatement of regard is, because his highness has been discountenanced in all his late applications, and used not altogether suitably to the service your holiness has received from him. However, hoping for a fairer consideration hereafter, he has continued firm to your communion and interest. Neither has he hindered any person from waiting upon your holiness. It is true, in matters of property he does challenge it, as part of his ancient prerogative, that no clerk should depart the kingdom, and apply to a foreign jurisdiction, till he had first made trial whether he could have justice done him at home. And in case there should be no redress in the king's courts, his highness leaves all his subjects at liberty to appeal to your holiness. And if the settling the point upon this foot is any diminution to your authority, he

promises to convene the clergy of his kingdom quickly, and make your holiness satisfaction as they shall direct.

HENRY
II.
K. of Eng.

“As for the emperor, though the king was sensible he was a schismatick, yet he never knew he was excommunicated by you ; but in case his highness has engaged in any indefensible confederacy, either with his imperial majesty, or any other person, he is willing to rectify this mistake, and refer the matter to a synod of the English clergy.

“As for the archbishop of Canterbury, his highness declares he never forced him out of his dominions: and as he went voluntarily off, so he may safely return to his see whenever he pleases; upon condition, however, that the archbishop will desist from his opposition to the customs of the realm, and give no disturbance to the prerogative royal, to which himself has sworn to submit. And, lastly, if any ecclesiastick, or religious, can prove himself aggrieved, either by the king or his ministers, he is willing to refer the complaint to a synod, and submit to the award of the Church. Thus much,” continues the bishop, “I was commanded to signify to your holiness, from our sovereign lord the king, and heartily wish my commission had reached farther, and come up entirely to your own desires. However, I thought it my duty to acquaint your holiness with what is offered; for, to deal clearly, the king thinks his concessions very fair, in referring the difference to the determination of the English Church, and in giving the archbishop of Canterbury leave to return upon the conditions above mentioned.

“Things standing thus, I entreat your excellency to consider the seasonable application of this text, ‘A bruised reed shall he not break, and smoking flax shall he not quench.’ That you would proceed by inoffensive measures, and restrain your holy zeal till a better opportunity; lest, by pushing things to extremity, you embroil the affair, and deserve the interest of Christendom. An interdict, or an excommunication is a very dangerous remedy at present: such rigours may probably prove the ruin of a great many Churches, and irrecoverably drive the king and vast numbers of his subjects from your holiness’s obedience. The cutting off a member from the body is not the way to cure it. Unseasonable severities serve only to inflame a difference, and urge people to desperation. What, if your holiness’s ad-

BECKET,
Abp. Cant.
363.

vice is not altogether understood at present, are we to despair of the divine assistance? 'Is the Lord's arm shortened, that he cannot save, or his ear heavy with hearing?' Does he not frequently interpose his omnipotence for the benefit of his Church, and answer the prayers of his saints beyond human expectation? Besides, compliance and respect are the best methods to gain upon a royal temper. If you would conquer a prince, you must seem to yield to him: when he finds himself upon the higher ground, he will stoop without blushing. In short, lenity, patience, and gentle advice, are the best expedients in this case. Granting there may be some loss in secular privilege by these methods, is it not much better to relax our rigour, and resign something, than run the risk of ruining our flocks. When the ship is ready to be overset by a storm, is it not advisable to compound for our safety, and throw the cargo overboard? If, by insisting upon strict terms, the archbishop of Canterbury should be perpetually banished, and your authority renounced by the English nation, your holiness might probably repent your conduct. For, granting the majority of our order should hold out against persecution, and continue firm in our obedience to your holiness; notwithstanding this, yet somebody or other would be sure to revolt; would bow the knee to Baal, and accept of the pall from that idol, your competitor; neither will there want intruders to usurp our sees, and submit to such a pretended metropolitan. A great many people would be glad to see the Church thus unsettled, and seem prepared for such confusions. I entreat your holiness, therefore, to think upon a proper expedient to prevent so publick a calamity."

Hoveden,
ibid.

As for archbishop Becket, he stood his ground without making any step towards a reconciliation. The king, finding him thus resolved, thought to bring him to terms by straitening him farther in his circumstances. To this purpose, he wrote a threatening letter to the general chapter of the Cistercians, letting them know they had disobliged him by entertaining archbishop Becket, and that unless they parted with him, all their estates in his dominions, both in England and elsewhere, would be seized. Upon this, Becket was forced to quit the abbey of Pontiniac, and retire to Sens, where he was honourably received; and by the recommend-

ation of the king of France, entertained in the abbey of St. Columba, where he continued four years.

The bishops of the province of Canterbury were apprehensive this stiffness of archbishop Becket might prove of very ill consequence; instead, therefore, of pursuing his orders, and publishing his excommunication, they write to him to quit his singularities, and submit to the king.

They acquaint him, they were in hopes he would have abated his rigidity, and corrected himself upon thought and recollection. "We were very much pleased," say they, "with the manner of your living beyond sea; it was reported there was no appearance of ambition about you; that you had undertaken a voluntary poverty, and gave no umbrage or the least disturbance to the king; that you spent your time in reading and prayer, and endeavoured to recover the loss of what was past by watching, fasting, and other spiritual exercises. This conduct we hoped might produce serviceable effects; might give the king a better opinion of you, and open the way towards recovering his favour; but now we understand, to our great dissatisfaction, that you have menaced the king with the censures of the Church. This is the ready way to widen the breach, and make an accommodation impracticable; and unless you alter your measures, we despair of any happy issue. We therefore entreat you to steer a new course, and not aggravate one provocation by another; to give over threatening, and make trial of the virtues of patience and humility. The most eligible method will be, to commit your cause to God Almighty, and resign to the king's clemency; this is the most likely means to revive charity and good humour; to bring those that are disobliged to a more placable temper; and would serve your interest much better than menacing and rugged expedients. As for your present management, it tends only to inflame and exasperate, and brands you with the character of an ungrateful person; for it is generally known how bountiful a patron the king has been to you, and to what grandeur he has promoted you, from a slender beginning. And so great a favourite you were, during your chancellorship, that you were courted by the king's subjects from one end of his dominions to the other, and it was thought but to please you would lead to preferment. And for fear a secular

HENRY
II.
K. of Eng.

Chronic.
Gervas. col.
1400. et
deinc.

*The bishops
of the pro-
vince of
Canterbu-
ry's letter
to archbi-
shop Becket.*

BECKET, ^{Abp. Cant.} employment might solicit your fancy, and shake your virtue, the king was willing to put you in a safer post; but then this was only a transplanting from one rich soil to another, and removing you from an eminence in the state, to the highest station in the Church. To this post the king preferred you, notwithstanding his mother the empress, the nobility, and clergy, endeavoured to dissuade him from it. Indeed, his highness promised himself great things from your promotion, and that you would prove a considerable support to his government. If, therefore, you disappoint the king's expectations, and prove ungrateful to his bounty, what will the world say of you, and how deeply will you suffer in your reputation?" From hence they proceed to tell him, "his standing out might endanger pope Alexander's authority, and draw the king into a new communion. That the king, in referring the difference to the English Church, had made a fair overture; and that to strike with interdict or excommunication, after such an offer, was against all equity, law, and canon." They proceed to remonstrate against his censure upon the bishop and dean of Salisbury; that this affair was managed with great heat and precipitancy; that the discipline was imposed before the fault was proved; that this was an odd way of justice, and without precedent either in Church or state; first to punish a man, and then to try him. "Now to prevent," say they, "any farther unfortunate instances of this nature, and that you may not unhappily exert your authority upon the king and kingdom, to the disturbance of our dioceses, to the prejudice and disgrace of the Holy Church of Rome, and to make your own confusion the greater, we apply to the remedy of an appeal to the pope, which we have made use of already. This expedient we think proper to repeat, and give you notice to be ready at Ascension Day next ensuing."

Hoveden.
Annal. fol.
292.

These prelates of the province of Canterbury wrote another letter to pope Alexander in the king's justification; the contents of it are much the same with that of the bishop of London, lately mentioned. Some passages of what they wrote to archbishop Becket were likewise inserted. Amongst other things, they acquaint him with the beginning of the dispute; that the king did not think the loss of orders a sufficient punishment for a clerk guilty of murder; that his

trying those of that character in his own courts was not done to oppress the liberties of the Church, but for the security of publick peace; that if he had stretched the prerogative to the disadvantage of religion he was willing to redress the grievance, and refer the controversy to the judgment of the English Church; and at last they make their appeal to the pope, and fix the time, as above mentioned.

HENRY
II.
K. of Eng.

This year the war broke out between Lewis, king of France, and the king of England, to which it was thought the archbishop of Canterbury gave some occasion. The king of France overrun the Vexin, and burnt several towns and villages in the duchy of Normandy. It was likewise feared that Matthew, earl of Boulogne, would take the opportunity of the king's absence, and make a descent upon England. But this invasion was disappointed by the good conduct of Richard de Lucy, who secured the coasts, and put the kingdom in a posture of defence.

Chronic.
Gervas. col.
1402.

About this time the pope sent two cardinals, William and Otho, into France, to adjust the difference between the king and archbishop Becket. They first discoursed with the archbishop at Sens, and afterwards waiting upon the king of England, they found him resolved not to make any farther proposals. It seems he was very much exasperated against the archbishop of Canterbury; for he complained to the legates that all the miseries and confusions of the war were occasioned by this prelate; and that he was attacked by the king of France and the earl of Flanders purely at Becket's solicitation. But when the legates came to the king of France, that prince cleared Becket of this imputation, and swore that the archbishop had always advised him to peace, and suggested nothing more but that the honour and interest of both princes might be secured in an amicable way.

Two cardinals sent to adjust the difference, but without effect.

Ibid.

The king of France justifies the archbishop from fomenting the war against the king of England.

From the French court the legates travelled to the archbishop, met him near Gisors, upon the octaves of St. Martin, and entered upon the subject of their commission. But finding him unalterable in his resolution, and that his reasons, as Gervase of Canterbury will have it, were not to be answered, they took their leave, and returned, *re-infecta*, to Rome.

Ibid.

The archbishop finding himself charged with misconduct

BECKET,
Abp. Cant.

Quadrilog.
libr. 5.

*The arch-
bishop's re-
ply to suf-
fragans.*

365.

by his suffragans, replies to their remonstrance, and runs out in a long defence. He tells them, how much he was surprised at the contents of their letter: that there was so much satire and unfriendliness in the style, that he could not believe it was dictated by a general consent. He was amazed they should treat him with such roughness, and give such broad signs of disaffection, since he had exposed himself to so many hardships upon their account. He puts them in mind, to fear God rather than man, and to sacrifice their lives, if need be, for the interest of the Church. He argues, that in the cause of God they ought not to be afraid of persecution, or displeasure from the court. He bids the bishops have a care, not to confound the notion of Church and state: but to consider, that the powers of these two societies were distinct from each other. As to the bishop of Salisbury's case, he replies, that prelate admitted John of Oxford to the deanery against his prohibition, and the pope's: that this was a notorious breach of canonical obedience: that in so plain a case there was no solemnity of process required by the canons. He insists upon the vindication of his conduct in England, upon the justice of his administration; and challenges them to prove so much as one instance of oppression upon him. He tells them, it was generally reported, the archbishop of York, the bishop of London, and Richard de Ivelcestre, had suggested the sentence against him at Northampton. Here he sets forth with great vehemence and aggravation, with what severity he was treated: how he was persecuted in his relations, and stripped of all his revenues. He takes notice of their reproaching him with ingratitude, and that he was promoted to the see of Canterbury purely by royal favour, against the inclination of the whole kingdom. This he makes no better than direct calumny; bids them consult their consciences; recollect the process of the election, and name but so much as one person that declared his dislike. As to their upbraiding him with being a private person, and raised from a slender original: he answers it is true, he was not extracted from a long genealogy of princes; and that of the two, he had rather work out his distinction himself, and derive his quality from virtue and merit, than be the degenerate issue of an illustrious family. He tells them farther, that before

he received any promotion from the court, he lived plentifully, and made a creditable figure. As to the charge of ingratitude, he replies, he had done nothing to bring him under that blemish: that the freedom he had taken with the king, in remonstrating against his late proceedings, was no failure of respect, but rather a service to his prince: and that he must have answered for the king's miscarriage if he had been silent. He adds, that in case he should be forced to make use of his authority farther, and proceed to the last extremity, the king could have no reason to complain: for where admonition is overlooked, and warning signifies nothing, there is an absolute necessity for discipline. And then he that suffers by authority and canon, has no just cause to complain he is not well used.

HENRY
II.
K. of Eng.

As for the danger they mention, of the king's withdrawing himself and his subjects from the communion of the see of Rome, he hopes his highness will never apply to so unhappy an expedient. He wonders they could set down so destructive a thought; that the mention of such a thing has infection in it, and may possibly do disservice to the people. He exhorts them not to set too great a value upon their temporal interest, nor over-purchase the favour of any person whomsoever. As to what they urged, that the king was willing to refer the difference on foot to the arbitration of the English Church, he replies, in the first place, they had discovered their partiality, and declared themselves his enemies too much to sit upon him; besides, he never read that inferiors had any authority over their superiors, or suffragans any right to be judges of their metropolitan. Near the close of the letter he makes a kind of application to the king; entreats him not to think reformation a disadvantage, or that repentance is any diminution of royal dignity. And, lastly, he desires his suffragans to pray for him, that his constancy may not sink under his afflictions; but that he may say with the apostle, "That neither life nor death, nor angels, nor principalities, nor powers, nor any other creature, may be able to separate him from the love of God."

This year, Maud, the empress, king Henry's mother, departed this life, and was buried at Rouën, in the abbey of St. Mary de Prez. She used her interest, some time be-

*The death of
Maud, the
empress.
Hoveden,
fol. 289.*

BECKET, Abp. Cant. fore her death, to reconcile the king, her son, to archbishop Becket. Not to mention several other works of piety in France and England, she founded a monastery for canons regular in Huntingdon, and another at Stonley's, in Warwickshire, for the Cistercians. Her epitaph makes her good qualities exceed the lustre of her birth, and endeavours to do justice to her memory; it is this:—

*Regis mater erat, et regibus orta Mathildis,
Extuleratque thoro nobiliore genus.
Sed magis egregiâ virtutum laude coruscans,
Fortunam generis vicerat atque thori.
Septembris decimo, sub prima transiit hora,
De nostra ad verum nocte reveclat diem.*

*And of
Robert, bi-
shop of Lin-
coln.*

*Nubrigens.
l. 2. c. 22.*

*Archbishop
Becket ex-
communi-
cates the
bishop of
London.*

A. D. 1168.

*Hoveden,
fol. 293.*

To this year we are to reckon the death of Robert, bishop of Lincoln. This prelate founded a prebend; purchased a house for himself and his successors near the Temple in London; built the bishop's palace almost wholly, and founded the priory of St. Catherine's, near London, which, at the time of the dissolution, was valued at two hundred and seventy pounds yearly rent; this prelate died upon the eighth of January. After his decease the see was kept vacant about seventeen years.

Archbishop Becket conceiving himself particularly injured by Gilbert, bishop of London, sends him a letter of excommunication, in which he sets forth, that he had borne with the misbehaviour of this prelate a long time; that since his patience had been very much abused, and seemed to encourage to farther irregularities, he was forced to exert his authority, and cut him off from the communion of the Church. He commands him therefore, in virtue of his obedience, and as he tendered the salvation of his soul, to submit to the discipline of his metropolitan, and abstain from conversing with the faithful, for fear lest the flock, to which he owed a better example, should suffer by the infection of his company.

Soon after, he wrote to the dean, archdeacon, and clergy of London, to acquaint them that he had excommunicated their bishop, and commands them to have no manner of correspondence with him. He gives them notice of some other

persons he had excommunicated, viz., Thomas Fitz-Bernard, Robert Parson of Broc, Hugh de St. Clare, Letard, clerk of Northfleet, Nigel de Saccaville, Richard, brother of William Hastings, and some others already mentioned.

HENRY
II.
K. of Eng.
366.
Id. 294.

He informs them farther, that he had sent a solemn summons to several others; and that, unless they made satisfaction in the meantime, he was resolved to put them under the same censure upon Ascension-day. The persons mentioned are, Gilbert, archdeacon of Canterbury, and Robert, his vicar, Richard de Ivelcestre, Richard de Lucy, William Gifford, Adam de Cherings, and "all those who, either by the king's order, or their own presumption, have seized," says the archbishop, "any estates belonging to us, or our clerks; together with those who are known to have incited the king to oppress the liberties of the clergy, to banish and outlaw innocent persons; and who have either hindered the pope's agents, or ours, from pursuing the affairs and providing for the necessities of the Church." And, lastly, he bids them not concern themselves about the event; for, by God's assistance, he was well fortified in the favour of the apostolick see, and had no reason to apprehend any ill consequence from the shuffling of his adversaries, or the appeals put in against him.

He wrote a letter to Robert, bishop of Hereford, much to the same purpose; commanding him, both in his own name and the pope's, to publish the excommunication against the persons above mentioned, and particularly, he declaims in a very tragical manner against the bishop of London; complains, that instead of repenting he grew more perverse and haughty upon his excommunication; that he had the presumption to give out, that since his translation from Hereford he was under no obligations of canonical obedience to the church of Canterbury; and that he designed to get the archiepiscopal see removed from thence to London.

His complaint of that prelate to the bishop of Hereford.

Hoveden, *ibid.*

This year, as Gervase of Canterbury reports, the English court designed to renounce Alexander, and set up Paschal, the antipope. Henry, duke of Saxony, being in Paschal's interest, and having lately married Maud, the king's daughter, might probably bring forward this resolution. To make this project the more feasible, there was an order sent from the court, to swear the subject to an im-

A design to renounce pope Alexander.

BECKET,
Abp. Cant.

*How it was
disappoint-
ed.*

Chronic.
Gervas. col.
1404.

A. D. 1169.

Ibid.

plicit obedience to the king's pleasure, which was complied with by the laity; but when the clergy were soon after convened at London, they refused to take any oath to the prejudice of pope Alexander, and so the business miscarried. However, the emperor, and part of the German clergy, kept up the competition, and set up another antipope after Paschal's death.

In the beginning of the next year, the kings of France and England had an interview at Mount Miral in Champagne, where they concluded a peace on Twelfth-day, the beginning of the year being then computed either from Christmas or the first of January. At this treaty Henry, the king's eldest son, did homage to the king of France for the duchy of Bretagne, and for the provinces of Anjou and Maine; and Richard, the king's second son, married the king of France's daughter, and did homage for the duchy of Aquitaine. And now those of Poictou and Bretagne, who had deserted to France, were pardoned by the king of England, and restored to favour.

*The arch-
bishop
throws him-
self at the
king's feet.*

About this time archbishop Becket was persuaded by the pope's agents, and several persons of quality, to make a submission to the king of England, and to cast himself entirely upon his goodness, without any terms or reservation whatsoever; and this he was advised to do at the solemn interview when the king of France was present. It seems there was a rumour spread, that the king intended to undertake the crusade, provided the affairs of the Church were once settled to his satisfaction. The prospect of this expedition made the pope press an accommodation, and the archbishop not unwilling to comply. When he came, therefore, into the presence, he threw himself at the king's feet, and was immediately taken up by his highness; and here he behaved himself in his address with great submission, entreated the king's favour for the Church of England, and attributed the past disturbances and calamity to his own failings and faults; and at last made the king the umpire of the difference between them, saving the honour of God. The king of England was enraged with this clause of reservation, and reproached the archbishop with pride, ingratitude, and misbehaviour in his chancellorship. The archbishop kept his temper, and made a decent defence,

without falling into the extremes either of disrespect or abjectness. The king of England perceiving the archbishop gained upon the audience, interrupted him, and applying to the king of France, told him, "that whatever Becket did not relish, he would be sure to pronounce contrary to the honour of God; and, at this rate," says he, "he will challenge as much of my right and prerogative as he has a mind to. However, that I may not seem to prejudice the honour of religion in any particular, I shall make him this offer: I have had a great many predecessors kings of England, some greater and some inferior to myself; there have been likewise many great and holy men in the see of Canterbury; let him, therefore, but pay me the same regard, and own my authority so far as the greatest of his predecessors owned the least of mine, and I am satisfied; and, as I never forced him out of England, I give him leave to return at his pleasure; and am willing he should enjoy his archbishoprick with the same privilege in every respect, that any other prelate of that see has done before him."

HENRY
II.
K. of Eng.

The king makes him a large offer, but is refused.

367.

Id. col.
1405, 1406.

Upon this the whole audience declared aloud, that the king had gone far enough in his condescensions. And the king of France being somewhat surprised at the archbishop's silence, asked him if he pretended to greater perfection than the saints, or thought himself a better man than St. Peter? that now an honourable peace was offered, and that he wondered at his standing off. The archbishop answered, that he was willing to receive his see upon the terms of his predecessors: but as for those customs which broke in upon the canons, he could not admit them. When those who endeavoured to compose the difference perceived things tending towards a rupture, they pulled the archbishop out of the presence, pressed him to throw off his disobliging reserve, and submit to the king's terms; but the archbishop, looking upon this as a betrayal of religion, refused their advice. By this conduct he lost his interest among the English and French nobility, who all exclaimed against him as a man of pride and obstinacy; and that since he had refused such reasonable terms from both the kings, he ought to be thrown out of their protection, and not suffered to live in either of their dominions. In short, the meeting broke up without effect, and both the kings were very

The archbishop complained of for his obstinacy.

BECKET,
Abp. Cant.

*He is dis-
countenanc-
ed by the
king of
France.*

Ibid.

much displeased. The king of France made the archbishop immediately sensible of his dissatisfaction: for he neither visited him as he used to do, and which was worse, he withdrew his pension, and refused to furnish his family. The archbishop being thus straitened, thought to dismiss his retinue and go a-begging: but before he acted upon this notion the king of France sent for him. The archbishop thought the business was to banish him the kingdom, in which opinion he was farther confirmed by the manner of his reception; for it seems the king looked disturbed, and did not rise to him according to custom. But after a considerable silence, and the doom was expected, the king of France, rising up hastily, bursting out into tears, and throwing himself at the archbishop's feet, accosts him with this unexpected speech:—

*And after-
wards unex-
pectedly re-
ceived into
his favour.*

Ibid.

“ My lord, you are the only discerning person: nobody's eyes have been open upon this occasion but yours. As for us, who advised you to waive the mention of God's honour to humour a mortal man, we were all no better than stark blind. Father, I am sorry for what I have done: I entreat your pardon, and that you would absolve me for this misbehaviour: and as for my person and kingdom, they are both entirely at your service.”

These caresses seem to have something of finesse and reason of state in them: however, the archbishop was handsomely accommodated at Sens, and fared the better for the different interests of the French and English court.

Some few days after it was reported to the king of France, that the king of England had broken the articles of the late treaty with the Poictovins and Bretons. Upon this he seemed to admire the prudence and precaution of the archbishop of Canterbury, in not resigning without the fullest and most explicit security.

The king of England, on the other side, sent the king of France word, he was very much surprised to hear the archbishop countenanced by that prince, considering his late obstinacy in refusing so reasonable an offer. The king of France told the ambassadors, that since their master insisted so much upon the ancient usages of his kingdom, he

should take the freedom to receive exiles, and especially ecclesiasticks, into his protection, according to the customary practices of the kings of France.

HENRY-
II.
K. of Eng.
Id. col.
1407.

The archbishop conceiving himself aggrieved, and that there was no likelihood of accommodating the difference, proceeded to censure, and excommunicated all those who had seized the revenues of the Church. This discipline reached a great many of the court: insomuch that there were scarcely any in the chapel-royal that were qualified to salute the king with the kiss of peace, according to the custom of the Church: no excommunicated person being admitted to this ceremony.

The king being uneasy at seeing his courtiers thus marked and disabled in their character, sent two archdeacons to Rome to complain of the usage: they had likewise instructions to press the pope to send legates to their master to absolve those under censure, and persuade the archbishop to reasonable terms; and that if this were not done, the king would be obliged to secure the honour and peace of his government some other way.

The king complains to the pope, and demands the sending of legates.

Ibid.

This plain dealing made the pope apprehensive of a rupture; and that the king might either break off from the communion of the Roman Church, or at least declare for the antipope, supported by the emperor. To prevent these consequences, the pope dispatched his legates to the English court with a letter of great ceremony and compliance. Amongst other things he acquaints the king, that he had furnished the legates with full powers to put an end to the controversy between his highness and the archbishop, and to determine any other difference which should happen to arise. He informs the king farther, that he had restrained the archbishop from exercising his authority to the disadvantage either of his highness, or any of his ministers. And in case the archbishop should pronounce any censure against the king or kingdom, his holiness declares the sentence null and void: and if necessity require, the king had the liberty of publishing the pope's letter; otherwise he was earnestly desired to keep it secret. And to give farther satisfaction, he orders the legates to absolve those of the king's council and court, who lay under an excommunication.

The pope writes a complying letter.

368.

Hoveden,
fol. 295.

BECKET,
Abp. Cant.

The legates were Gratian, the late pope Eugenius's nephew, and Vivian, an advocate in the court of Rome. These men quickly arranged, as it was thought, the difference between the king and the archbishop: the king consenting that the archbishop should return into England, and enjoy the revenues and jurisdiction of his see, saving the honour of the crown and government.

The English court being now in France, Vivian had orders to go into England to absolve those who were excommunicated; and Gratian was to use his interest with archbishop Becket to complete the agreement. But the king having occasion to remove the next morning, the legates began to suspect there might be a sinister meaning in the saving clause, and refused to stand to the articles.

*The king
sends another
expostulatory
letter to the
pope.*

Upon this the king sends an expostulatory letter to the pope, in which he complains, that his holiness, when he dispatched his first legates, promised to furnish them with sufficient authority to decide the difference, without having recourse to an appeal; that this commission was afterwards revoked, which made the archbishop refuse to be bound thereby.

Fœdera,
Conven-
tiones, &c.
tom. 1. p.
28.
See Re-
cords, num.
24.

That the late legates, when the matter was brought to a point, renounced their agreement; that they cavilled at inserting the clause for saving the king's honour, notwithstanding they had passed it before. From hence he proceeds to tell the pope, that if he continued his partiality for archbishop Becket, and did not restrain him from disturbing the kingdom by his excommunications, he should despair of justice from his holiness, and be forced to take other measures.

*The differ-
ence almost
adjusted.*

Not long after, the kings of France and England had another interview at the mount of Martyrs; and here, after other matters, they discussed the business relating to archbishop Becket. The king of England, without any clause of reservation, consented that the archbishop should enjoy his see with the privileges of his predecessors, and offered a thousand marks to defray the expense of his voyage into England. The archbishop, who was present, replied, that he had been damaged to the value of thirty thousand marks, and that, without restitution, the guilt of the injustice would

Chron.
Gervas. col.
1408.

remain. However, at the instance of the king of France and the nobility of both kingdoms, he dropped his claim to the money, and submitted to the king's offer.

HENRY
II.
K. of Eng.

And now the terms being adjusted, the archbishop, in pursuance of the pope's instructions, desired security for the articles. And when both the French and the English court replied, such a request was not from be insisted on to a sovereign, the archbishop told them he desired no more than that the king would do him the honour of the customary salute, as a mark of his favour and friendship. This being put to king Henry by the king of France and the rest of the mediators, he told them he should willingly have gratified that request, had he not once sworn, in a passion, never to salute the archbishop on the cheek, though he might otherwise be reconciled to him; neither should he bear him any ill will for the omission of this ceremony. The king of France and the mediators suspecting, as Gervase of Canterbury will have it, there might be some unfriendly reserve in the king of England's reply, left the archbishop at his liberty, who resolved not to resign to the articles without the 'kiss of peace,' as they called it. Thus the meeting broke up, and nothing was concluded.

Osculum
Pacis.

A. D. 1169.

*The arch-
bishop re-
fuses to
comply for
being de-
nied the
kiss of
peace.*

Gervas. ib.

The king of France seems to have been not ill pleased with the issue of this interview, hoping it might embroil the king of England's affairs. To this purpose, as the reader may guess, he sent an embassy with the archbishop's agents to the pope; their commission was, to press his holiness not to bear with the king of England's dilatory proceedings any longer. This motion was seconded by William, archbishop of Sens, who took a journey to Rome to entreat the pope to put the king of England's dominions under an interdict, unless the Church had satisfaction.

The king of England, endeavouring to secure himself against these proceedings, sent an order into England, digested into eight articles; commanding that all his subjects, from fifteen years old and upwards, should be sworn to them. By one of these articles they were to renounce the authority of archbishop Becket and pope Alexander. This was a strong test of loyalty at that period: however, the laity complied with it. But when the clergy were con-

*The laity
renounce
the pope and
archbishop
Becket.*

BECKET, **Abp. Cant.** vened for this purpose, they would by no means follow the precedent set by the laity.

Godwin in
Episc.
Eliens.
Angl. Sac.
pars. 1. p.
629.
A. D. 1170.

369.

*Young king
Henry
crowned by
the arch-
bishop of
York, &c.*

Chronic.
Gervas. col.
1412.
Hoveden,
fol. 296.

*Archbishop
Becket com-
plains of
this en-
croachment.*

This year, Nigel, bishop of Ely, departed this life: he was very loyal, as has been observed, and suffered very much under the usurpation of Stephen: but when Henry Fitz Empress came to the crown he passed his time easily. He founded an hospital for canons regular at Cambridge, where St. John's college now stands. He left several rich ornaments in the church of Ely, sat six and thirty years, and died upon the 29th of May.

The next year, king Henry, thinking his presence necessary to prevent disturbances in England, set sail, and arrived at Portsmouth upon the fourth of March; and, at the festival of St. Barnabas, he summoned the lords spiritual and temporal to London, and upon the sixteenth day of June, had his son Henry crowned at Westminster. The ceremony was performed by Roger, archbishop of York; Hugh, bishop of Durham, Walter, bishop of Rochester, Gilbert, of London, and Jocelin, bishop of Salisbury, assisting at the solemnity. But no protestation was made to save the privilege of the archbishop of Canterbury, to whose see that office belonged. The day after the coronation, the king Fitz Empress caused William, king of Scots, and David his brother, together with all the English earls and barons, to do homage to the young king, and to swear allegiance to him against all men, his father excepted.

Archbishop Becket complained to the pope of the injury done him by the archbishop of York, and the prelates above mentioned, at the coronation. The pope, upon this application, excommunicated the bishops of London, Rochester, and Salisbury, and suspended the archbishop of York, and the bishop of Durham; and lodged the instruments of these censures with archbishop Becket.

The pope being informed that the king was in England, sent a commission to the archbishop of Rouën, and the bishop of Nevers, to go into England, if need were, and press the king to a compliance. Upon their acquainting the king with their instructions, he sent them word, they might spare themselves that trouble; for he designed quickly to be in France, and put a period to the dispute

with the archbishop, as they should direct. The king undertook the voyage accordingly, and the archbishop waited on him upon the confines of Maine; and here the whole matter was adjusted; and the king, as Gervase of Canterbury reports, gave the archbishop leave to animadvert upon the archbishop of York, and the rest of the prelates concerned in the late coronation. For now, it seems the king was apprehensive of the pope's thunder, and therefore would deny nothing. He offered, likewise, to keep the archbishop at his court; alleging, that it was proper for that prelate to go along with him in his progress; that all people might perceive the breach was made up. But the archbishop desired to be excused, saying, he was bound in gratitude and decency, to take leave of the French to whom he had been so much obliged. And thus, leaving the English court, he waited on the king of France, and some others, and gave them thanks for their favour and protection. And now being prepared for his voyage into England, the king ordered John, dean of Salisbury, to attend him. He was likewise furnished with the king's letters patent, to notify the agreement to the young king.

HENRY
II.
K. of Eng.
*The king
and arch-
bishop Beck-
et recon-
ciled.*

Chron. Ger-
vas. col.
1412.

See Re-
cords, num.
25.

*The arch-
bishop re-
turns into
England.*

Archbishop Becket, being now expected in England, the archbishop of York and the rest of the suspended and excommunicated prelates, endeavoured to prevent his landing. For, upon his arrival, they were afraid the pope's sentence would be published against them. The ports, therefore, where they suspected he would come ashore, were guarded. They had likewise persuaded Ralph de Brock, Reginald de Warenne, and Gervase, high sheriff of Kent, to appear upon the coast in a military manner. These men were some of the archbishop's greatest enemies, and were so hardy as to give out, that if he set his foot upon the English shore they would cut off his head. The archbishop, being informed of their design, sent the pope's letters of censure over the day before he embarked, and got them delivered to the prelates concerned.

Baron. An-
nal. tom. 12.
ex Cod. Va-
tican. sect.
48. ad An.
1170.

The next day, the archbishop went aboard, and had a fair wind to England, where he found a body of men armed upon the beach, and ready to attack him. The dean of Salisbury, fearing some mischief, went ashore first, and charged them in the king's name, not to outrage the arch-

BECKET,
Abp. Cant.

*He is im-
portuned to
absolve the
archbishop
of York, &c.*

*The arch-
bishop of
York, &c.
complain of
him at the
old king's
court.*

370.

Baron. *ibid.*
sect. 49. 51,
52.

bishop, under pain of high treason: for that now the difference between the king and the archbishop was settled. Upon this the company laid down their arms, and suffered the archbishop to pass. As soon as he came to Canterbury, some officers of the court were sent to command him, in the king's name, to absolve the suspended and excommunicated bishops. He told them that it was not within the authority of an inferior jurisdiction to set aside the sentence of a superior court; and that the pope's censure could not be reversed by any mortal. When they urged, the king (meaning, I suppose, the young king) would be terribly revenged for the incomppliance: the archbishop answered, that in case the bishops of London and Salisbury would swear to abide by the pope's order, he would absolve them. When this answer was reported to the bishops, the archbishop of York objected, that to take such an oath, without the king's leave, was a breach of law, and an affront to the prerogative royal. However, the bishops would have complied with archbishop Becket's proposal, had they not been overruled by the archbishop of York. This prelate, with the bishops of London and Salisbury, embarked for Normandy, to complain of Becket to the king. They likewise procured six of the clergy or monks of the vacant sees to be sent to the king's court in Normandy, to represent their body, and make an election: though to do this in a foreign country, and when the rest of their chapter were absent, was altogether uncanonical. However, by this practice, they thought to bring the archbishop of Canterbury under a difficulty; and that if he refused to consecrate upon such elections, the king would be displeased, and a new dispute set on foot.

These three bishops, at their coming to the old king's court, made a tragical invective against archbishop Becket; declaimed against him as a publick incendiary, called him the persecutor of his own order, the king's enemy, and the bane of all good men. And particularly, that he travelled towards the court with a guard, and attempted to wait on the young king in a formidable and military manner. The king was extremely exasperated against Becket upon this representation, and expressed himself with great warmth; that he was an unhappy prince; that he fed a great many

sleepy, insignificant men of quality; that none of his servants had either the gratitude or the spirit to revenge him upon a single prelate, by whom he had been so much outraged. Upon this, four gentlemen of figure, that belonged to the court, formed a design against the archbishop's life: their names were Reginald Fitz-Urse, William Tracy, Richard Britton, and Hugh Morvill. These men, having concerted the assassination, went on board immediately, and landed at Dover. They boasted of their good passage, as if providence had approved their design. They came to Canterbury the next day, being the twenty-ninth of December, and broke into the archbishop's apartment, without paying the customary respect. They told him, they came from the king, to command him to absolve the bishops under censure. He replied, those prelates lay under the pope's sentence, and went on with the same answer he had formerly given to the bishops themselves. This reply not giving satisfaction, the four gentlemen charged the monks of Canterbury, in the king's name, to keep the archbishop safe, that he might be forthcoming; and upon this they went off with a menacing air. The archbishop told them at parting, that he came not into England to abscond, neither would their threatenings make any impression upon him.

The same day they returned to the palace, and, leaving a body of soldiers in the court-yard, rushed into the cloister with their swords drawn, and afterwards came into the church, where the archbishop was at vespers; and here calling out, where was the traitor? and nobody answering, they asked for the archbishop; upon which he moved towards them, and told them, he was the person. He is said not to have shown the least sign of fear upon this occasion. And when one of the assassins menaced him with death, he answered with great courage and unconcernedness, that he was prepared to die for the cause of God, and in defence of the rights of the Church. "But," says he, "if you must have my life, I charge you in the name of Almighty God, and under the penalty of excommunication, not to hurt any person here, either clergy or lay, besides myself; for none of these have any concern in the late transactions." Upon this they laid hands on him, and offered to drag him out of the

HENRY
II.
K. of Eng.

Ibid. sect.

54.

Chronicon.
Gervas. col.
1414.

*A conspiracy
formed
against his
life.*

*And upon
what occa-
sion.*

*He behaves
himself with
great forti-
tude, and is
assassinat-
ed.*

BECKET,
Abp. Cant.

church; but finding they could not do it without difficulty, they murdered him there. When he perceived what they were resolved on, he stooped his head to their swords; and, though he received several wounds before he was dispatched, he neither gave a groan nor offered to avoid a stroke; but one Edward Grimfere, a clergyman, belonging to the cathedral, when he perceived one of them make a blow at the archbishop's head, interposed his arm, and had it almost cut off^s.

Chronic.
Gervas. col.
1414, 1415.
Hoveden,
fol. 298.

*The murderers,
avoided by
everybody,
repent.*

The assassins, after the murder, were afraid they had gone too far, and durst not return to the king's court in Normandy; they chose rather to retire to Knaresborough, in Yorkshire, a town of Hugh Morvill's; here they continued till they found themselves the aversion and contempt of the country, for everybody avoided their conversation, and would neither eat nor drink with them; at last, being tired with solitude and disregard, and struck with remorse of conscience, they took a voyage to Rome; and being admitted to penance by pope Alexander III., they went to Jerusalem, and, according to the pope's order, spent their lives in penitential austerities, and died in the Black Mountain. They were buried at Jerusalem, without the

* The tragical fate of Becket was the natural effect of the dissension and hostility that had so long embroiled the papal and royal authorities. Such vehement antagonisms could hardly fail to produce a crisis of this fatal character, whenever there was a king impetuous, or a primate haughty and ambitious, as Henry and his archbishop. A stricter attention to the great rule of ecclesiastical policy in Europe would have prevented so dreadful a result. The doctrine, "that what the pope is to the Italian states of the Church that are emperors and kings to their own particular dominions," would have prohibited this interference on one side, and retaliation on the other. The pernicious sophistry, which represented the British crown as a merely secular power, was the occasion of all these disorders—the premises being intensely false, the conclusion was intensely disastrous. Thank God, the reverential loyalty which the Bible enjoins towards the monarch is once more recovering its ascendancy, and the more enlightened writers are setting forth the true theory of our constitution with great honesty and perseverance. From one of them we quote the following declaration:—"The queen, as head of the Church in Britain, is above and prior to all sectarian manifestations of religion. She is, in fact, the visible head of religion in the British empire. It is here that the true responsibility of the monarch begins, and here, therefore, that the personal supremacy of the monarch comes into play. Woe be to him who would here attempt to control the monarch's will. Here the monarch is only responsible to conscience and to God. Here is the true sphere of the monarch's responsibility. Our monarchs have been made to feel it here, and here alone. Witness the shades of Charles I. and James II. Both condescended to party, and became the sacrifice. Maintain an independence of party and the monarch is safe."

church door belonging to the Templars; with this inscription:—

HENRY
II.
K. of Eng.

“Hic jacent miseri qui martyrizaverunt Beatum Thomam archiepiscopum Cantuariensem.”

“Here lie the wretches who assassinated St. Thomas, archbishop of Canterbury.”

Hoveden,
fol. 299.

A word or two concerning this archbishop's extraction, and the first part of his life, yet unmentioned, may not be unacceptable to the reader. Thomas Becket, then, was the son of Gilbert, sheriff of London. He had the first part of his education in that city, and was afterwards sent to Paris for farther improvement. Upon his return he was made town-clerk, which office he managed to general satisfaction. Being a person of proficiency and parts, he was recommended to Theobald, archbishop of Canterbury. This prelate sent him to Bononia, in Italy, to study the civil law, and afterwards made use of him in several employments to the court of Rome. After some time, he was ordained deacon by archbishop Theobald, and preferred to the archdeaconry of Canterbury; which then, next to bishopricks and abbacies, was reckoned the best Church preferment in England, being valued at a hundred pounds per annum. I have already mentioned by what interest Becket was preferred to the king's favour, and made chancellor of England; and shall only add, that he was very popular in this office. His house was a kind of prince's court, whither many persons of the highest quality sent their sons for education; several noblemen, and abundance of knights did homage to him for their estates. He was very generous and openhanded. His hospitality and splendid entertainment were such, that he was extremely beloved by all sorts of people.

Archbishop
Becket's ex-
traction,
and the first
part of his
life.

Fitz-Ste-
phen, p. 1.
371.

Idem, p.
5, 6.

Idem, p. 7.

When king Henry set up his claim to the earldom of Toulouse, in right of Eleanor, his queen, and marched his army into that country, he took Becket along with him. In this expedition the chancellor had seven hundred knights, or gentlemen, in his retinue, well mounted. Over and above these, he had twelve hundred other horse in his pay, besides four thousand *servientes*, entertained for a month, whether horse or foot is somewhat uncertain. Had the king of Eng-

The great
service he
did the
king in the
war against
France.

Fitz-Ste-
phen, p. 8.
Idem, p. 9.

BECKET,
Abp. Cant.

Ibid.

land followed the chancellor's advice, he had made himself master of the capital, Toulouse, and taken the king of France prisoner. But being a homager to the crown of France for the duchy of Normandy and several earldoms in that kingdom, he was overruled by an excessive regard to king Lewis's person, would by no means besiege his sovereign, and so a great opportunity of ending the war was lost. However, king Henry took the city of Cahors, and several castles in the neighbourhood of Toulouse. But the earls in his army refused to stay with their forces and undertake the government of these new acquisitions, none but Henry of Essex, the constable of England, and the chancellor, remaining upon the spot. These two great men, after the king had marched back into Normandy, took three castles which seemed impregnable. And here the chancellor appeared in a military character, was always in the action, and, after the taking of the three castles, passed the Garonne, reduced all that country, and then, waiting on the king, was received with extraordinary marks of esteem. In this war, the chancellor, tilting with one Engelram de Trie, a French knight, dismounted him, and brought off his horse. It was likewise observed that the chancellor's troops were always the most forward to charge the enemy, and venture upon the boldest service. The rest of Becket's life has been mentioned already, and therefore I shall proceed no farther.

Idem, p. 9.

The controversy between the king and archbishop briefly enquired into.

Antiquit. Britan. in Becket, Prinne's Records, vol. 2 and 3.

As to the dispute which made so much noise in Europe, and proved the occasion of the archbishop's death, I shall not pretend to determine that point; most of the authors who wrote in his time, or near it, justify his conduct throughout, make him a glorious martyr, and flourish mightily about the miracles wrought by him after his death. Harpsfield, Baronius, and Alford, are much of this sentiment. On the other hand, Jocelin, Fox, Fuller, and Prinne, sink his character to a great disadvantage, and give a dark complexion to his memory. Now, to assist the reader to disentangle the difficulty a little, and form something of a judgment upon the case, I shall make some brief observations; from these, I conceive, the truth will be found betwixt the two extremes, and that he was neither so great a saint as the first, nor so great a sinner as the latter

would make him. And that, as one side strained the privileges of the Church too high, so the others seem prepossessed in favour of the crown, and laid too much weight in the secular scale.

HENRY
II.
K. of Eng.

To give some farther light, therefore, into this matter, I shall touch upon these three points:—

First, I shall briefly examine the beginning of the controversy, relating to the trying of clerks in the king's courts.

Secondly, I shall remark something with reference to the Constitutions of Clarendon.

Thirdly, I shall consider archbishop Becket's conduct upon the farther progress of the dispute between the king and him.

First, the beginning of the controversy between the king and the archbishop was this. The king required, that clerks guilty of felony, or any other crimes against the government, should be first degraded by their ordinary, and then put in the hands of the secular magistrate, to be tried in the king's courts. The archbishop thought this method a breach of the canons, and an oppression of the liberties of the Church. For this reason he insisted that, for the first fault, they might be secured in the bishop's prison, tried in his court, forfeit their character upon conviction, and be put under what farther discipline he should think fit. And in case they proved malefactors a second time, they were to lose their former protection, and be prosecuted in the king's courts.

Vid. supra.

Fitz-Stephen, p. 15, 16.

Hoveden, fol. 282.

To bring this question to an issue, we are to consider the clergy under their two capacities; first, as they are part of the hierarchy, and, secondly, as they are members of the commonwealth.

The clergy to be considered under two capacities.

If any dispute touches them under their first distinction; if any objection is brought against the validity of their orders; if they are charged with heterodoxy, or any misbehaviour in their function, the cause, without doubt, will lie within the spiritual jurisdiction: they must be tried by those who gave them their character, and to whom our Saviour has intrusted the government of the Church.

372.

That this was the practice of the primitive Church, appears by abundance of instances. To mention some few of

BECKET,
Abp. Cant.

Neque
posthac
præsumant
atque usur-
pent et pu-
tent se cau-
sas cognos-
cere cleri-
corum. Hi-
lar. ad Con-
stant.
Apud Am-
bros. vid.
De Marca
de Concord.
Sacerd. et
Imper. l. 2.
c. 7.
Ambros.
Ep. 82.

*They cannot
plead an ex-
emption
from the
civil courts
without a
grant from
the govern-
ment.*

Ad illos
enim divi-
narum re-
rum inter-
pretatio; ad
nos spectat
religionis
obsequium.
Epist. Ho-
nor. ad Ar-
cad.

Concil.
Chalcedon,
Act. 3.

Novell. 83.

them: St. Hilary, in his remonstrance to the emperor Constantius, puts him in mind, that the governors of provinces and secular judges were only to concern themselves with the business of the government; that they were bound in conscience not to encroach upon spiritual jurisdiction, nor take cognizance of the clergy in matters relating to their function. Thus Valentinian, in his rescript, declares expressly, where points of faith are in dispute, or any other matter within the ecclesiastical function, the cause ought to be tried by none but those of the same character and distinction. To the same purpose Honorius, in a letter to his brother, the emperor Arcadius, complaining of the banishment of St. Chrysostom by that prince, suggests, by way of expostulation, that when the controversy concerns religion, the bishops were to determine the dispute. "The settling these matters," says he, "belongs to them; they are the proper interpreters of the divine will. As for us, we are to acquiesce in their decisions, and practise accordingly." To this we may add a testimony from the general council of Chalcedon, where it is affirmed, that when articles relating to the breach of the canons are under trial, no secular judges, nor any of the laity, ought to sit upon the bench. The emperor Justinian is entirely of the same opinion, and points at the ground and reason of the law. "If," says he, "the crime happens to be against the discipline, doctrine, or government of the Church, the bishop must try the cause; neither are the provincial judges to intermeddle in the matter; for we will not allow the secular magistracy to take cognizance of things of this nature, for such business ought to be left to the spiritual jurisdiction, and the offending persons corrected by ecclesiastical censures. Thus the laws of religion direct, neither is it any discredit to the constitutions of the empire to be governed by them."

But then, secondly, as the clergy are members of the commonwealth, they are subject to the laws of the realm no less than others. From hence the consequence will be, that in matters of property, and crimes against justice and government, the clergy will be obliged to own the authority of the state, and abide by the sentence of the civil magistrate. I say, they will be obliged to this submission, unless they can plead an exemption granted by the government; this,

indeed, will alter the matter. For, as the prince has a right to try the clergy in the cases last mentioned, so he has a right to release that right, and leave them to the discipline of their order. The enquiry, therefore, will be, how the matter of fact stands, and whether any such privilege can be produced.

HENRY
II.
K. of Eng.

And here it may not be improper, in the first place, to inspect the codes, and examine the point briefly by the imperial laws. Now from hence it will appear, that the emperors left the clergy to the jurisdiction of their bishop in matters relating to the Church; yet, when the state was concerned in the prosecution, no privilege of orders could secure them from the cognizance of the civil court.

An enquiry
into the
matter of
fact.

To begin with the laws of the emperors Valens, Gratian, and Valentinian, by virtue of which, small misdemeanors, and matters relating to religion, were to be decided by the bishop in a diocesan synod; but as for criminal causes of a higher nature, they were to be tried by the judges commissioned by the emperor. It is true, the emperor Honorius published a law that clerks should be tried in none but the bishop's court, or *audientia*. But then, as it appears farther from the context, and the explanation of the learned Gothofred, that the clause is to be understood either of misbehaviour relating to their character, or, at the most, of crimes against the state, of a lower and less punishable nature; for, in other matters, and higher provocations, it is evident from another law of Arcadius and Honorius, that they were to be brought before civil justice, and tried by the laws of the empire.

The impe-
rial laws ex-
amined.

16 Cod.
Theo. tit.
2 l. 23.
Cod. Theod.
ibid. tit. 2
l. 41.

The Constitutions of Justinian agree with the Theodosian code. From hence we are informed, that when the clergy were prosecuted upon criminal articles, the governors of the provinces, and other secular magistrates, were to try the prisoner; and in case the court found him guilty, he was first to be degraded by the bishop, and then delivered up to the judges for sentence and execution.

16 Cod.
Theod. tit.
11. l. 1. de
Religione.

By another law in Justinian's novels, the bishop of the diocese has the liberty of trying a clergyman, even in criminal causes; but then this authority is only a grant from the emperor: it is likewise restrained in the exercise, and has several qualifications clapped upon it; for if either of the

Authentic.
Collat. Sept.
tit. 11.
Nov. 83.

BECKET,
Abp. Cant.

373.

Authentic.
Collat. No-
na tit. 6.
Nov. 123.

Ibid.

parties refused to abide by the sentence, and made their exception within ten days, the cause was to be reheard before the judge of the district: and in case the bishop's sentence was reversed, there was liberty left for an appeal according to course of law, that is, from a lower civil court to a higher. And lastly, if the bishop had the cognizance of the cause, either by immediate commission from the emperor, or by the appointment of the secular courts, there lay an appeal either to the emperor, or the respective courts that put the business in the bishop's hands. And a little after it is expressly said, that a clergyman convicted of a crime against the public peace, or government, shall be punished according to law by the secular magistrate. It is true, the bishop was to be acquainted with the proceedings of the court, and to degrade him before the punishment was to take place.

By this short view of the codes and novels, it appears the clergy could not plead any exemption from the authority of the imperial laws. And how the English constitution stood shall be examined afterwards.

*The grounds
which led
the arch-
bishop into
his mistakes.*

In the meantime, it may not be amiss to enquire upon what grounds the archbishop went in his noncompliance; and whether the colours were strong enough to mislead an honest intention.

First, then, he might be mistaken by an imperfect view of the codes; for, by a law of Constantius, it is expressly forbidden to prosecute bishops in civil courts: and though Gothofred restrains the constitution to ecclesiastical causes, or, at least, supposes it but a temporary provision, and made to serve a juncture: yet the text runs in general terms, and expressly orders the impeachment to be brought before a court of bishops.

16 Cod.
Theod. tit.
2 l. 12.

By another law in the Justinian code, no person is to presume to prosecute any ecclesiastick upon a criminal indictment before the secular magistrate, contrary to the purport of the imperial constitutions and the holy canons. And if the judge ventured to try the cause, he was to forfeit his com-

Cod. Justin.
l. 1. de
Episc. et
Cleric. tit.
3. Statui-
mus ut nullus Ecclesiasticam Personam, &c.

mission. And though these laws were either repealed, or this sense was explained away by posterior constitutions, yet such repeals might possibly be overlooked by the archbishop,

especially since the contrary practice was more conformable to that period.

Secondly, the trial of clerks in the king's courts was expressly condemned by pope Alexander III. Now, considering the maxims then current, such a censure must needs have had great force in misleading the archbishop's judgment: for, by the canon law, it is expressly determined, that the orders of the see of Rome are to be observed in all parts of Christendom, and by every person, without any demur or contradiction. And in other places it is declared, that no civil constitution is of any force or authority against the canons or decrees of the see of Rome. That the ecclesiastick tribunal is paramount to that of princes, and that the laws of the state are to be set aside when they clash with those of the Church.

HENRY II.
K. of Eng.

Concil. tom. 10. p. 1431.

Distinct. 19. pars 1.
Quicquid Romana Ecclesia statuit, &c.

Distinct. 10. pars 1.
Certum est hoc rebus vestris esse salutare et deinc.

Thus we see by the canon law, the resolutions of the court of Rome, and the pope's decretals, were to supersede the laws of princes and overrule the civil authority. Now, the body of this law was published by Gratian, in the late usurpation of Stephen, and therefore the archbishop had opportunity enough to be acquainted with it.

To proceed to the English constitution,—where we shall meet with several precedents in favour of the archbishop's opinion.

To begin: the famous king Alfred executed a judge for trying and condemning a clerk. *Il pendist Alflet pur ceo que il Jugeast un clerk a la mort, de que il ne poit aver cognisans.*

Miroir des Justices cap. 20.
Alfrid, Vit. l. 2. p. 84.

Thus, when Odo, bishop of Baieux, was seized by his brother king William I., he insisted upon his being a clerk, claimed the privilege of his character, and alleged that none could try a bishop but the pope. The king, in his answer, owned the exemption of the order, but denied Odo's being within the privilege; "For," says he, "I do not seize you either as a bishop or clerk, but as earl of Kent, and under a lay distinction."

Precedents in favour of his practice from the English constitution.

To proceed: in the contest between archbishop Anselm and the kings William Rufus and Henry I., it was taken for granted, that none but the pope had any right to try the archbishop.

Orderic. Vital. Eccles. Hist. l. 7. p. 647.

Eadmer, Hist. Novor.

And when the Constitutions of Clarendon were repealed,

BECKET,
Abp. Cant.

Selden, Ti-
tles of Ho-
nour, p.
707. ex
Hoveden in
Ricard I.

*The sense of
the law at
that time.*

374.

Bracton,
l. 3. de
Coron. c. 9.

Fleta, l. 1.
De Utlega-
riis, c. 28.

which was done soon after Becket's death, we shall find more precedents to the same purport. In a parliament of king Richard I., John, earl of Morton, and Hugh, bishop of Coventry, were charged with high treason; upon which there was an order of parliament, that they should be peremptorily summoned to make their appearance. To which it is added, that the bishop was liable to be tried by the temporal barons, because he had been the king's high sheriff. Whereas, had it not been for this secular employment, the cause had lain only before the bishops.

That these precedents were supported by the constitution, will appear farther from the old law books. To mention some of the most eminent in this profession: Bracton, who lived in the reign of king Henry III., informs us, that when a clerk, howsoever dignified or distinguished, was apprehended and imprisoned for killing a man, or any other crime, and notice was given of it to the court Christian: in this case, upon the producing the archbishop's, bishop's, or official's letters, the prisoner was to be immediately delivered to the ordinary without any inquest, or jury passing upon him. After this, he is to receive his trial in the spiritual court. The reason of his being sent thither, is because the king cannot lawfully detain him in prison; having no authority either to try or degrade a clerk. And provided the malefactor happens to be convicted by his ordinary, he is only to suffer degradation; unless apostacy is proved upon him. *Satis enim sufficit ei pro pœna degradatio, quæ est magna capitis diminutio.*

That the proceedings of law ran in the same channel, and were governed by the same direction in Edward the First's time, appears by Fleta, who wrote in that reign. This learned lawyer tells us, that a clerk, apprehended for felony, was to be delivered to his ordinary, upon demand; and that in case he stood upon his clerkship, he could not be convicted in a lay court.

To give one instance more: in the twenty-fifth of Edward III., the bishops made a tragical complaint in parliament, that clerks and monks had been executed upon trial and sentence given in secular courts, to the prejudice and oppression of the liberties and jurisdiction of holy Church. Upon this remonstrance, it was granted by the king in parliament (that is, it was enacted) "that all clerks, whether secular or

regular, who should for the future be convicted before any lay judges above mentioned, of any manner of felonies, or treasons against any person whatsoever, excepting the king, shall have and enjoy the privilege of holy Church, in its full extent; and shall be delivered to their ordinaries, when demanded, without any obstruction or delay." This statute, though not printed, is cited in the original French, by Stamford.

HENRY
II.
K. of Eng.

Stamford,
Pleas of the
Crown, l. 2.
c. 43.

I shall now go on to the second general observation, and remark something with reference to the Constitutions of Clarendon.

Now, these articles, as has been observed, were pressed upon the bishops as the ancient usages of the realm. But that they were not all so, is sufficiently evident. For instance, the twelfth article, to mention no more, which orders the seizure of the revenues of the vacancies for the crown; brings the elections of bishops to the king's chapel, and puts them wholly, as it were, under the government of the court; this article, with submission, was no ancient custom in neither of the branches. As for the election of bishops, Malmsbury reports expressly, that, in the Saxon times, the choice of bishops and abbots lay in the clergy and monks, and was made by the respective chapters and convents. And then for the point of the vacancies, Ordericus Vitalis is no less positive; and that, upon the death of an abbot or bishop, it was customary for the ordinary or archbishop to inventory the goods, to enter upon the lands, and sequester the profits till the see or abbacy was filled. Farther, that the seizing the revenues of the vacancies was looked on as a strain of the regale, and derogatory to the liberties of the Church, appears from the famous charter of Henry I: a charter which was one of the most publick acts of that reign, and granted at the coronation. By this solemn instrument, the king promises never to alienate or farm out the Church lands; and renounces all pretences to the vacancies of bishopricks and abbeys. And to make its authority yet stronger, this charter of king Henry I. was confirmed by his grandson, the present king Henry II. However, after all, archbishop Becket was in the wrong: because the exemption of clerks from the civil courts was no right inseparable from their order, but only a privilege granted by the crown. Now, that which was granted by the state was revocable by the

*Constitu-
tions of
Clarendon
not all an-
cient cus-
toms.*

Malmsb. de
Gest. Pon-
tif. l. 8. fol.
157.

Orderic. Vi-
tal. Eccles.
Hist. l. 8.
p. 678.

Mat. Paris,
Hist. Angl.
p. 55.

See Re-
corda, num.
22.

BECKET,
Abp. Cant.

same authority. Since, therefore, the parliament of Clarendon had enacted, that clerks should be tried in the king's courts in criminal causes, the archbishop ought not to have insisted on the former exemption.

Thirdly, I come now briefly to consider his conduct in the farther progress of the dispute between the king and himself.

*The arch-
bishop inde-
fensible in
some in-
stances.
His false
principle.*

Quadrilog.
l. 5.

Nubrigens.
l. 2. c. 16.

375.

*A calumny
against him.*

Mat. Paris,
Hist. Angl.
p. 123.

And here he cannot be excused for traversing the ground, moving backwards and forwards, engaging and retracting, with respect to the articles of Clarendon. He was likewise to blame for quitting the kingdom without the king's leave, this being a direct breach of the fourth article of those Constitutions. The primitive bishops did not take this liberty with heathen princes. For the purpose; St. Cyprian refused to return from banishment without the emperor's consent. Farther, his tenet, that the civil government had its authority from the Church was a grand mistake, and misled his practice. His refusing to return to his see upon the most advantageous precedents, and the best terms enjoyed by any of his predecessors; and farther, his breaking off the accommodation only for being denied the kiss of peace, are indefensible lengths of noncompliance: and for his stiffness in these points he is blamed even by Nubrigensis. Lastly, his complaining to the court of Rome of the archbishop of York for crowning the young king, and drawing the pope's excommunication upon that metropolitan, and some other prelates; this, I say, was, perhaps, pushing matters too far. Had he made a greater allowance for the juncture, waived his right, and connived at the encroachment for the sake of peace, it might not have been unserviceable to his memory.

But then, as to any practice against the crown, he seems innocent enough. It does not appear he attempted to raise any faction at home, or so much as dropped any undutiful expression; and as for abetting a foreign interest, the king of France solemnly cleared him from any such imputation.

The report made of him to the king Fitz-Empress, as if he travelled with a military appearance, and would have forced his entrance into the young king's castles and court; this report, I say, was mere calumny; for, upon his being forbidden to approach the king, he immediately retired to Canterbury; and here he was so far from being attended

with a military guard, that he suffered four men to murder him without resistance. It is true he refused to absolve the excommunicated bishops; but then, it must be said he complied as far as the received doctrines would give him leave; and, though the rigour and inflexibility of his temper carried him too far in some cases, he seems to have acted all along upon a principle of sincerity: so that, in short, the most exceptionable parts of his conduct may be said to have been more the faults of the age than of the man.

HENRY
II.
K. of Eng.

Upon the news of archbishop Becket's death, the king and the pope were extremely troubled; though, as Gervase of Canterbury conjectures, for different reasons. The king was apprehensive the archbishop's murder might reflect upon his highness; that his honour might suffer upon this occasion. Neither were these suspicions altogether ungrounded, for several complaints were made to the pope upon this accident. The king of France wrote to his holiness to draw St. Peter's sword upon king Henry, and to think upon some new and exemplary justice; and that the universal Church was concerned in the discipline; and to excite him the more effectually, he acquaints him with the miracles said to be done at Becket's tomb.

A. D. 1171.
Gervas.
Chron. col.
1419.

Hoveden,
fol. 299.

This letter was seconded by another from Stephen, earl of Blois; in which he gives the pope to understand, that he was present when the archbishop of Canterbury complained to the king, for precipitating the coronation of his son; that the king being conscious of the injury he had done, promised the archbishop satisfaction. That when this prelate complained of the bishops for crowning the young king against right and ancient usage, and to the prejudice of the see of Canterbury, the old king left those bishops to Becket's mercy, and to punish them in what manner the pope and himself thought fit. All this the earl of Blois tells the pope he was ready to depose upon oath, or make it good by any other proof demanded. And, in the close of the letter, he declaims with great vehemence against the barbarity of the murder; and makes use of his rhetorick to press the pope to a revenge.

*The king of
France, &c.
write to the
pope about
the murder
of the arch-
bishop.*

Id. fol. 300.

The archbishop of Sens likewise wrote a letter to the pope upon the same subject; charges the king with the

Id. fol. 299,
300.

BECKET, archbishop's death, and moves for an interdict upon his dominions.

Abp. Cant.

*The arch-
bishop's ca-
nonization.*

*Baron. An-
nal. tom. 12.
ad An.
1173.*

*Id. Marty-
rol. Roman.
in Decemb.
29.*

*See Re-
cords, num.
26.*

*The king of
England
sends an em-
bassy to
Rome.*

*Chronic.
Gervas. col.
1419.*

These tragical accounts made the pope very uneasy; and condemn himself for being too remiss in Becket's defence. However, he failed not to honour his memory, and had him canonized upon the report of the miracles done after his death. It is true this solemnity was not performed till two years after; but I mention it now to illustrate the story about this prelate.

The king of England, to prevent the pope's censures, dispatched an embassy to Rome. The ambassadors at their first entrance into the town were ruggedly treated, and refused an audience; but, at last, finding the pulse of the court of Rome, they applied to a more powerful expedient, and gained admission by the interest of five hundred marks. When they came into the consistory they swore, as the king's proxies, that their master was ready to submit to the judgment of the Church concerning the death of the archbishop. By making this oath in the king's name, they prevailed on the pope not to send out any interdict or excommunication. However, the murderers of the archbishop, together with all those who either abetted or entertained them, were immediately excommunicated. The conclave likewise ordered the sending two legates into Normandy to enquire into the matter, and animadvert as they should see cause.

Upon this news, the king set sail for England, and ordered the ports to be strictly guarded; and that in case any person presumed to bring over an interdict, he should be seized and imprisoned. He likewise ordered that no clergyman should go beyond sea, without first taking an oath not to act anything to the prejudice of the king or kingdom.

AN

ECCLESIASTICAL HISTORY

OF

GREAT BRITAIN.

BOOK V.

THE king landed at Portsmouth in the beginning of August, and the two cardinal legates, Theodinus and Albertus, arrived in Normandy. The king made but a short stay in England: for, about the middle of October, he went aboard at Milford Haven upon the Irish expedition, and landed with a considerable army at Waterford.

HENRY II.
K. of Eng.
The king undertakes the Irish expedition.
Ibid. Hoveden, fol. 801.

And here it may not be improper just to mention the occasion which gave rise to the conquest of this kingdom. To begin: this expedition had been projected some time before, and encouraged, as has been observed, by a bull of pope Adrian IV.; but Maud, the empress, dissuading the enterprise, the king dropped the design for the present. At this time Ireland was divided into five kingdoms, not to mention several other subordinate governments, frequently dignified by that name.

The occasion of the conquest of the kingdom.

Dermot, commonly called Mac Morough, king of Leinster, was one of these capital princes. He governed in a sort of arbitrary manner, and treated the nobility with rigour.

Girald. Cambrens. Hibern. Expugnat. l. 1. c. 1.

This Dermot, besides the rest of his misconduct, enter-

tained too familiar a correspondence with Omachla, Ororic, king of Meath's queen, and debauched her in her husband's absence. Ororic raised the forces of his own dominions, and those of the neighbouring princes, his confederates, to revenge the affront. The people of Leinster perceiving their prince under difficulties, discovered their resentment for his ill usage of them; and most of the great men deserted to the enemy.

Ibid.

Dermot, thus abandoned by his subjects, and defeated several times in the field, quitted his dominions, and applied to king Henry, then in France. The king, upon Dermot's swearing homage to him, took him under his protection; and by his letters patent, gave any of his subjects in Great Britain or France leave to assist him in his restoration.

Dermot being thus fortified by the king's favour, Richard Strongbow, earl of Strigul, or Chepstow, in Monmouthshire, Robert Fitz-Stephen, and Maurice Fitz-Gerald, entered into his alliance, raised forces for him, and served in person in the expedition.

These great men succeeding in their attempts, and taking Waterford and Dublin, were supported by the king, who landed with a strong re-inforcement.

*The synod
of Armagh.*

Upon the first progress of the English arms in this kingdom, the Irish clergy met in a national synod at Armagh. And here, upon enquiry into the reason of their being distressed by a descent upon the country, it was generally agreed that this judgment happened to them for their former ill treatment of the English, in buying them of merchants and pirates to make them slaves. For it seems, as Cambrensis reports, it had been an old custom of the Saxon English, to make a penny of their children, and sell them for slaves to the Irish: and therefore he concludes, that as the Saxons that sold had already lost their liberty, so the Irish that bought might deserve to lose theirs. To avert this judgment therefore, it was unanimously decreed in the synod, that all the English slaves in the island should be enfranchised.

378.

Id. c. 18.

Girald.
Cambrens.
Expugn.
Hibern. c.
18.
Spelm.
Concil. vol.
2. p. 95.

And here it may not be improper to mention something farther of the state of the Irish Church, before the settling of the English. Giraldus Cambrensis, who was secretary to John, earl of Morton, and attended him into Ireland:

this author, I say, who speaks from his knowledge, reports, that in some parts of the province of Connaught, the natives were unconverted in his time. But that these Pagans were only in the extreme parts of the island, and not very numerous. This historian blames the Irish bishops for being too negligent and passive in their government; that the barbarity of the Irish customs, and the general misbehaviour, was occasioned by this want of zeal and vigour. That from St. Patrick's time to the descent of the English, there was not one martyr to be found, which was a case rarely to be met with in any Christian country. Giraldus Cambrensis wonders that a nation so savage and unpolished should never fly out into murder, and revenge themselves upon those who declaimed against their vices, and restrained their liberty. The author imputes this to the over-cautiousness of the prelates, who wanted either courage, or conscience, to discharge their duty, and protest against publick disorder. When Cambrensis happened to urge this objection to Mauritius, archbishop of Cashel, that prelate replied, that notwithstanding the Irish were an uncivilized people, and too rough in their temper, yet they had always a great veneration for the clergy. This regard for a holy character, tied up their hands from outrage and cruelty. "But now," says he, "there is a people come among us, (meaning the English,) that has been used to murder without distinction. So that from henceforward, I question not but Ireland will have as many martyrs as other countries."

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II.
K. of Eng.

The historian complains that most of the Irish bishops were chosen out of monasteries. That the education of the cloister frequently disqualified them for the discharge of their office. That they wanted conduct and experience for the government of a diocese; and that those who were bred under the monastick discipline, were apt to move too much within themselves, and look no farther than their own behaviour. But after these remarks of disadvantage, he commends the priests and lower clergy for their abstinence, and constant attendance on divine service.

Giraldus
Cambren-
sis Topo-
graph. Hi-
bernice cap.
27. et deinc.

About a fortnight after the king's landing at Waterford, the king of Cork, the king of Limerick, the king of Ossory, the king of Meath, and almost all the great men of Ireland, came in and made their submission. But the king of Con-

*The Irish
kings sub-
mit to king
Henry.*

naught, who pretended to the sovereignty of the island, stood off, and made no acknowledgment. As for the rest of the princes, they recognised Henry for their king, did homage, and swore allegiance to him and his heirs. The same submission was made by all the archbishops, bishops, and abbots, in the island, who, beside the solemnities above mentioned, signed themselves his subjects in a charter.

At this time, as Hoveden reckons them, there were four archbishops, and nine-and-twenty bishops. Gelasius, then archbishop of Armagh, and primate of all Ireland, had eight suffragans under him; Donatus, archbishop of Cashel, had eleven suffragans; Lawrence, archbishop of Dublin, had five; and Catholicus, archbishop of Tuam, the same number.

*The synod
of Cashel,*

Affairs being thus settled, the king ordered Nicholas his chaplain, and Ralph, archdeacon of Llandaff, to go to Cashel, and assist at a synod of the Irish prelates convened there. The canons of this council subscribed by the bishops, and confirmed by the king, are as follows:

1st, All the Irish are obliged to disengage from unwarrantable relationships, either in consanguinity or affinity, and marry only within the degrees unprohibited.

2ndly, Their children should be catechized (i. e. their godfathers should be interrogated) at the church door, and baptized in the font at churches which have a right to baptize.

3rdly, That all Christians should pay their tithe of cattle, corn, and other issues and profits, to the parish church where they dwelt.

4thly, That all the lands, and effects belonging to the Church, should be disincumbered from all services and burthens put upon them by the laity; particularly that neither the petty princes, earls, or any great men of Ireland, should insist any longer upon the custom of entertainment, or free quarter, for themselves or their families, upon the estates of the clergy.

5thly, That when any of the laity compounded with their enemies for murder, the clergy, who were their relations, should not be obliged to pay part of the fine.

6thly, That all masters of families, when visited with sickness, should make their will in the presence of their

confessor, and some of their neighbours: and after a division of their goods and chattels into three portions, one third was to be disposed of to the children, another to the wife, and the remainder was to be set aside to defray the funeral expenses.

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K. of Eng.
379.

7thly, That those who died confessed, and in the peace of the Church, should be buried with the accustomed ceremonies, and have mass said for them. And, in short, the Irish, for the future, were to conform in all their rituals and divine service to the model of the Church of England.

The Irish Church brought to a conformity with that of England.

And thus, as Cambrensis reports, the Church and state of Ireland were very much improved by coming under the English jurisdiction.

The king sent a copy of the Irish prelates' charter of submission to pope Alexander, who confirmed the kingdom of Ireland to Henry and his heirs, pursuant to the form of the Irish instrument.

Hoveden,
Annal. fol.
301, 302.
Girald.
Cambrensis.
Hibern.
Expugn. c.
18. 34.
Chronic.
Gervas.
1420.

From Waterford, the king marched to Dublin, where, without the city, he had an osier palace made him, according to the custom of the country. In this odd structure he entertained the Irish princes, and kept a very splendid Christmas.

Hoveden,
fol. 302.

This year, Henry, bishop of Winchester, departed this life. The greatest part of his character has been mentioned already in the history of his brother Stephen. Besides the advantage of his royal extraction, he was a person of great capacity and considerable learning. Amongst other works of his mentioned by Bale, there is one still remaining, con-

The death of Henry, bishop of Winchester.

cerning king Arthur's grave, discovered at Glassenbury. This prelate was a great benefactor both to his see and several other places. For instance, he built Farnham castle, in Surrey. He built and endowed the noble hospital of St. Cross, near Winchester. He likewise made great additions, both in building and estate, to the nunnery at Taunton, founded by Gifford, his predecessor. To give him his due, he was a person of great generosity and munificence, and had a mind answerable to his quality. When king Henry made him a visit in his last sickness, he received him with an air of dissatisfaction, and reprimanded him pretty severely for giving occasion to the death of archbishop Becket. The king, concluding dying people spoke

His benefactions.

Godwin in
Episc.
Wintonia.

Ibid.

*Roger, arch-
bishop of
York, and
Gilbert,
bishop of
London,
purge them-
selves upon
oath and are
absolved.*

Matt. West.
Flores.
Historiar.
ad Ann.
1171.
Diceto
Imag. His-
toriar.

A. D. 1172.
*The king
clears him-
self by oath
about the
murder of
archbishop
Becket.*

*Several
other arti-
cles sworn
by him.*

their mind without design, was not at all disconcerted at the reproof. This prelate died on the 6th of August, in the two-and-fortieth year of his consecration.

This year, in December following, Roger, archbishop of York, took an oath at Albemarle that he had not received the pope's letters forbidding him to crown the young king, till after that solemnity was over. That he had not engaged himself to the king Fitz-Empres to submit to the Constitutions of Clarendon, and that he had not either by word, writing, or any other act, to his knowledge, occasioned the murder of archbishop Becket. Upon this oath, he was restored to his archiepiscopal function. The next year, Gilbert, bishop of London, was absolved thereupon in much the same terms.

This year the cathedral of Norwich, with the cloister, was burnt. The acquisitions in Ireland being well secured, the king embarked for England at Easter, where, making a short stay, himself and the king, his son, lately crowned at Winchester, passed over into Normandy, and on the 27th of September the two kings, Rotrod, archbishop of Rouën, and all the bishops and abbots of Normandy, met the two cardinal legates above mentioned at Avranché. And here the king took a solemn oath before the cardinals and the rest of the prelates, &c., that he neither commanded nor desired the death of the archbishop; but because it was not in his power to seize the malefactors that murdered him, and because he was afraid the uneasiness and passion he discovered might encourage them to that barbarous assassination, he was willing to give farther satisfaction upon the following articles. He swore, therefore, in the first place, that he would never withdraw himself from the communion of Alexander and his successors, provided he was owned by them as a Catholic prince.

2ndly, That he would neither hinder appeals himself, nor suffer them to be hindered, but that free application might be made to the pope in causes ecclesiastical; but with this limitation, that in case any persons should be suspected, they should give security not to do anything prejudicial to the kingdom during their stay abroad.

3rdly, That from the feast of Christmas next ensuing, he would undertake the crusade for three years, and make a

campaign at Jerusalem, in person, the next summer, unless the expedition was postponed at the instance of pope Alexander or his Catholic successors. But if there should be a necessity for him, in the meantime, to march his forces into Spain against the Saracens, the time spent in that service should be allowed, and the Jerusalem expedition might be undertaken so much later.

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K. of Eng.

4thly, He swore likewise, that in the meantime he would furnish the Templars with such a sum of money, as that society should think sufficient to subsist two hundred soldiers for a year, for the defence of the Holy Land. He likewise pardoned all the clergy and laity that had been banished upon account of archbishop Becket, and granted them liberty to return without any molestation or disturbance.

5thly, That if any estates had been taken away from the church of Canterbury, they should be all restored, and that see restored to the same good condition it was in a year before the late archbishop went out of England.

380.

6thly, He swore likewise to renounce and resign all those customs and usages, which had been begun and practised in his time to the prejudice of the Church.

All these articles he swore to keep in their common and obvious construction, without any manner of collusion or evasion. The young king was likewise sworn to all the premises. And to make the record more authentick, and give it the utmost authority, the king and the cardinals put their seals to it.

Chron. Gervas, col. 1422.
Hoveden, Annal. fol. 408.

Thus we see the Constitutions of Clarendon, drawn up to the disadvantage of the clergy, were all repealed. If it is objected they were enacted in parliament, and voided only by the royal authority, to this it may be answered, such single authority seems sufficient; for then, as Glanvil reports, who was chief justice in that prince's reign, the king's pleasure was a law, and the whole legislature lay in the crown.

Leges namque Anglicanas licet non scriptas leges appellari non videtur absurdum, cum hoc ipsum lex sit quod principi placet, &c. Glanvil de Legib. &c. in prologo.

The king, after this satisfaction given, had his absolution passed in form by the cardinals.

The king absolved.

The next day after this solemn agreement, the cardinals held a synod at the same place, with the archbishops, bishops, and clergy of Normandy. And this duchy being

The synod of Avranches.

then parcel of the crown of England, I shall mention the canons.

I. Children or minors were not to be admitted to benefices with cure of souls.

II. The sons of priests were not allowed to succeed their fathers in their livings. The

III. and IV. canons have been already mentioned in the Council of Tours.

Vid. supra
ad An. 1162.

V. Priests of larger parishes, where the benefice will allow it, are obliged to entertain another priest to assist them.

By the sixth, none were to be ordained priests without a title.

See 3 and
4 canon of
the Council
of Tours.

The seventh decrees, that the churches should not be let to farm for the term of a year; *i. e.* not by the laity.

VIII. That none of the third part of the tithes should be detained from the priest that officiates.

Id est, after
the first
presenta-
tion.

IX. That those of the laity who had any estate in tithes might dispose of them to what qualified clerk they pleased, upon condition that after him they should revert to the Church to which in right they belonged.

X. No husband or wife was to have the liberty to turn religious, when either of them chose to live in the world or continue a secular, unless they were both considerably advanced in old age.

XI. All persons who were in any condition of health and strength, especially clerks and knights, or lay gentry, were obliged to fast and abstain from flesh during the solemnity of Advent.

XII. That clerks should not encumber themselves with secular jurisdictions, under the penalty of forfeiting their ecclesiastical preferments.

Hoveden,
fol. 304.
Baron. An-
nal. ad An.
1172.
sect. 13.

XIII. The thirteenth canon not being passed, I shall omit it.

A contest
about the
archbishop
of Canter-
bury.

While these affairs were transacted in Normandy, the young king, by the advice of his governors, sent for Odo, prior of Canterbury, to court, and ordered him and his convent to proceed to the choice of an archbishop. The prior and his monks obeyed the summons, and insisted that the choice might be free, according to custom. This motion

was not relished by the court, who gave the prior three weeks' time to come prepared with a more agreeable answer. When this term was out, the prior waited on the court a second time, and held constant to the same request. The court being displeased at his noncompliance, ordered him to make a voyage into Normandy, to know the old king's pleasure. The prior waiting upon the old king, found him in a very mild and condescending disposition. The king knew Odo to be a man of resolution, and was afraid he and his convent might pitch upon a person of the same inflexible temper with the late archbishop. He earnestly desired him, therefore, to use his interest with the convent to choose the bishop of Baïeux. It seems this prelate was of a very manageable humour, and likely to have been perfectly at the disposal of the court. Upon the prior's return into England, the bishops and clergy, together with the convent of Canterbury, met at London; but the freedom of the election being checked, the monks refused to be overruled, and so the meeting was broken up and nothing done.

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II.
K. of Eng.

But not long after, the prior and convent, considering the niceness of the juncture, and being afraid they might be counted obstinate, pitched upon three men, and desired Richard de Lucy, justiciary of England and prime minister, to persuade the king that one of them might stand. The justiciary agreed to this motion, and Roger, abbot of Bec, was solemnly chosen at London, by the prior and convent, the bishops and the king giving their consent to the election. But here they were all disappointed; for no persuasions could prevail with the person elected to accept the preferment.

Chronic.
Gervas. col.
1423.

A. D. 1173.

Ibid.

This year there broke out an unhappy misunderstanding between the king and his sons, Henry, Richard, and Geoffrey, who all deserted him, and made an alliance with the king of France. It was thought queen Eleanor, their mother, prompted them to this disobedience, and debauched them from their duty.

Ibid.

To proceed to the Church: about the end of April there were six sees filled by the interest and direction of the court. Reginald, son of Joceline, bishop of Salisbury, was made bishop of Bath; Richard de Ivelcestre, archdeacon of Poitiers, was preferred to the see of Winchester; Robert

381.

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ARD,
Abp. Cant.

Foliot, to that of Hereford; Geoffrey Ridel, archdeacon of Canterbury, to Ely; and John de Greenford, to Chichester. But when they came to move for the filling the see of Canterbury, the prior Odo and the prelates could not agree upon the circumstances of the election; at last they agreed to offer two persons to the king in Normandy, Richard, prior of Dover, and another.

Id. col.
1425.

*Richard
elected
archbishop
by the con-
vent.*

The king, though he would openly declare for neither, sent private instructions in favour of Richard. Upon this recommendation, he was elected at Westminster, upon the octaves of Whitsuntide, being the fifth of June; but, before his consecration could be performed, there came a letter from the young king to forbid the solemnity, acquainting them, withal, that he had appealed to the pope against the election.

This order shocked the bishops, and put them to a stand, though some of them were for going on with the consecration, notwithstanding the appeal. However, at last, they agreed to send their agents to the pope, and that the archbishop elect should take a voyage himself, and solicit his business in person.

*And con-
firmed by
the pope.*

When Richard came to Rome, he found the conclave divided between the interest of the young king and his father; but, at last, upon a report being spread that both the kings were agreed, the pope confirmed the election, consecrated Richard at Easter, gave him the pall, and constituted him his legate.

A. D. 1174.

*Evangelicam
habet
excusatio-
nem.
Hoveden,
fol. 807.*

Reginald, bishop of Bath, was now at Rome, to procure his confirmation, and that of the other five prelates lately elected. The pope was displeased that they did not all appear in person, and asked, particularly, why the elect of Ely was not there? To this Berter, of Orleans, the young king's ambassador, replied somewhat profanely, "And, if it please your holiness, he has a Gospel excuse." "What is that?" says the pope. "He has married a wife," says Berter, "and therefore cannot come."

And now the old king was extremely distressed: for the king of France, and the earl of Flanders, had lately sent a body of men to make a descent upon England. These troops, at their landing, were, by the young king's order, joined by Hugh Bigod, earl of Norfolk.

William, king of Scots, likewise took advantage of the opportunity, and invaded Northumberland with an army of Welsh and Scots. This army harassed the country in a terrible manner, and carried on the war with the utmost rage and barbarity.

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K. of Eng.

When things were thus embroiled, the king was, as it were, abandoned by all his subjects, and had few but foreigners to depend on. However, he was resolved to make a push to restore his affairs in England.

Chronic.
Gervas. col.
1427.

He landed at Southampton on the eighth of July; and before he undertook any publick business, he went to Canterbury to make a publick acknowledgment of his regret for the death of the late archbishop. And when he came within sight of the church where the archbishop was buried, he alighted from his horse, and walked barefoot in the habit of a pilgrim till he came to Becket's tomb. And after he had prayed, in a posture of prostration, for a considerable time, he put himself upon extraordinary discipline, and was scourged by all the convent of Christ's Church. He spent all that day and night in prayer, without the least refreshment, and would not suffer so much as a carpet or any other convenience should be brought him to kneel on. He bestowed great liberalities upon the church of Canterbury: and here, the historians observe, that the same day he left Canterbury, William, king of Scots, was defeated and taken prisoner at Alnwick. And now his successes followed so fast, that within three weeks the invasions and insurrections in England were disappointed and suppressed, and all the towns and castles, seized by the enemy, surrendered to him.

*The king's
discipline
voluntary.*

Ibid. et
Matt. Paris,
Hist. Angl.
p. 130. Nu-
brigen. lib.
2. cap. 34.

This unexpected turn of prosperity, is attributed to the regard paid to Becket's memory, and the strength of his patronage. And for this, the writers of that time are almost as positive as if they were inspired with certainty, or had been the archbishop's expresses from the other world. Neither was the king's good fortune confined to England, but spread through his other dominions in France. For now his sons, Henry, Richard, and Geoffrey, quitted their rebellion, and submitted to his mercy: and the young king, to prevent all suspicions of misbehaviour, swore allegiance to his father. Things being thus settled, the king and his son

Hoveden,
fol. 308.
Chronic.
Gervas. et
Matt. Paris.

Hoveden,
fol. 309,
310.

RICH-
ARD,
Abp. Cant.

A. D. 1175.

*A synod at
Westmins-
ter.*

*The canons
run in the
archbishop's
name.*

Ibid.

Ex Concil.
Carthagin.

382.

Ex Concil.
Tolitan.

Ex Concil.
Agathens.

Ex Concil.
Chalcedon,
et Cartha-
gin. &c.

Henry set sail for England, and arrived at Portsmouth upon the seventh of May. When they came to London, they found a synod of the province of Canterbury ready to sit. The decrees, though subscribed by the synod, are published by the archbishop, and the authority runs in his name.

The canons are these.

I. The first forbids the marriage of the clergy under the penalty of deprivation.

II. The second forbids the clergy appearing at drinking entertainments, or refreshing themselves at taverns or publick houses; except when upon a journey. The penalty is degradation.

III. Those in holy orders are not allowed to concern themselves in trials of life and death, and are neither to pass nor execute any sentence for the loss of limbs; and if any clergyman broke through this order, he was to forfeit his dignity and preferment. And by the last clause in the canon, no priest is allowed to serve as high sheriff, under the penalty of excommunication.

IV. Those clerks who wore their hair long, were to have the mortification of being cropped by the archdeacon. They were likewise obliged to a proper gravity in their habit.

V. The fifth canon complains that some clergymen, either upon the score of their ignorance, misbehaviour, defect in birth, title, or age, despairing to get orders from their diocesan, travelled out of their diocese, and sometimes were ordained by transmarine bishops, or counterfeited such foreign ordinations. To prevent these irregularities, the canon declares such orders void, and forbids receiving such clerks under that pretended character, or suffering them to officiate, on the penalty of excommunication. And if any bishop of the province should either ordain, or admit any such unqualified clerk, he was to be suspended from giving the same distinction of orders till he had made satisfaction to the archbishop. The latter part of the canon decrees against trying criminal causes in a church or churchyard; one reason assigned, is, because places of sanctuary and protection ought not to be made courts of terror and sanguinary punishment.

VI. Forbids taking any money for ordination, chrism, baptism, extreme unction, burials, or consecration of churches. HENRY
II.
K. of Eng.

VII. By the seventh; no prelate or abbot was to receive any present for receiving a monk, canon, or nun. The penalty was excommunication.

VIII. By the eighth, no person was to convey a church to another under the notion of dower, or to receive any money for a presentation, or to make any contract of interest with the incumbent: and that whoever either confessed, or was legally convicted of any such practice, was to lose the patronage of that church for ever. Now in this canon relating to property and civil privilege, the king's authority is joined with that of the synod.

IX. Forbids monks and clerks turning merchants, upon the score of enriching themselves: the religious are likewise forbidden taking farms, either from the clergy or laity. Neither were the laity allowed to farm any benefice.

*Tam regia
quam nos-
tra freti
authoritate
statuimus.*

X. No clerks were allowed to turn soldiers, or appear in the character of military men.

XI. The eleventh relates to vicars, who had engaged themselves not to encroach upon the character or profits of the rector. If these vicars happened to break through their security, and lay claim to the parsonage, and were legally convicted of such encroachments, they were never to be suffered to officiate in the same diocese.

XII. Provides for the payment of tithes, and that those who refused to pay, after warning, were to be excommunicated.

XIII. Decrees that when a suit is commenced between two clergymen, he that is cast shall allow costs to him for whom the verdict is given; and in case he is in no condition to make such satisfaction, he shall be punished at the discretion of his ordinary.

XIV. The fourteenth settles some points of the Rubrick.

XV. The fifteenth declares against dipping the consecrated bread in wine to complete the eucharist. The reason assigned is, because we do not read our Saviour gave a sop to any of the disciples but Judas, and that this was done to point him out for a traitor, and not as a type of this holy sacrament. The

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XVI. Orders the wine to be consecrated only in gold or silver, and that no bishop should bless any cup made of tin or pewter for that purpose.

XVII. The seventeenth forbids clandestine marriages; and that if a priest married any persons otherwise than in the presence of the Church, he was to be suspended *ab officio* for three years. The

XVIII. And last, declares that marriage without mutual consent is impracticable; that, therefore, the marrying infants in their cradles signifies nothing, unless the parties give their consent when they come to years of discretion. For the future, therefore, no persons under the age of the canons were allowed to marry, unless in some few cases, when reasons of state and publick convenience may plead for a dispensation.

Chronic.
Gervas. col.
1429 et
deinc.
Hoveden,
Annal. fol.
310, 311.

To this synod, Roger, archbishop of York, sent some proxies to claim the privilege of carrying the cross in the province of Canterbury. They likewise claimed, in behalf of Roger, a metropolitical jurisdiction upon the sees of Lincoln, Chester, Worcester, and Hereford. Besides this, they appealed to the pope against the archbishop of Canterbury, for his excommunicating some clergymen of the province of York, for officiating in the church of St. Oswald, in Gloucester, and for refusing to appear at archbishop Richard's summons.

To proceed: the clergy of the diocese of St. Asaph petitioned the archbishop in council to enjoin their bishop, Godfrey, to return to the government of his see; and in case he refused, that the archbishop would put another in his place. It seems the incursions of the Welsh, and the poverty of the bishoprick, had made Godfrey desert his charge. When he came into England, the king received him with great generosity and regard; and the abbey of Abingdon, being then vacant, he gave it him *in commendam*, till the commotions of his diocese were better settled. The archbishop of Canterbury, therefore, at the instance of the synod and clergy above mentioned, commanded Godfrey, upon his canonical obedience, either to throw up his see or return to it. This prelate, thinking himself secure in the abbey of Abingdon, made no difficulty of resigning his bishoprick into the archbishop's hands, and delivered him the

ring and pastoral staff. But as it happened, he was disappointed, and lost all; for the king gave the bishoprick of St. Asaph to one Ada, a Welshman, and disposed of the abbey to a certain monk.

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This year, in the octaves of St. John the Baptist, both the kings kept their court at Woodstock; and here the archbishop of Canterbury, seven of his suffragans, together with the bishop of Durham, and the abbots of the province of Canterbury, waited on the king, and held a synod, in order to fill the see of Norwich and the vacant abbacies. For at this time several of the great religious houses had no abbots. And now, John of Oxford, a clergyman officiating at court, was chosen bishop of Norwich, and consecrated by the archbishop. The abbacies, likewise, were disposed of to monasticks by the king's and the archbishop's direction.

*The abba-
cies filled by
the king and
archbishops.*

About this time, pope Alexander confirmed the election of Geoffrey, the king's natural son, to the see of Lincoln, and dispensed with his being under age.

This year the king prosecuted all those of the clergy and laity who had hunted and taken venison in his forests during the late disturbances, and made them all finable; this was reckoned somewhat rigorous, because Richard de Lucy, the justiciary of England, had given them this liberty by virtue of an express order from the king.

From Woodstock the king made a progress to York, where he was met by William, king of Scotland, and David, his brother, together with almost all the bishops, abbots, and other great men of that kingdom. And here the treaty was confirmed which the king of Scotland had made with the king of England, when he was his prisoner at Falaise in Normandy the last year. The articles were read in the cathedral at York; I shall give the reader part of them:—

William, king of Scotland, acknowledged himself a liege-man of his sovereign lord, the king, against all persons either in Scotland or in any other of his dominions, and did homage to him as his liege lord in the customary form of other homagers. He likewise did homage to king Henry the younger, with a clause of reservation for the security of the king, his father. It was likewise agreed that all the bishops, abbots, and clergy, and their successors, in the

*The king of
Scots, with
the bishops,
earls, &c., of
that king-
dom, swear
fealty to the
king.*

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*They own
their depen-
dence on the
Church of
England.*

king of Scotland's dominions, shall take an oath of allegiance, when demanded, to the king, to his son king Henry, and to their heirs. Farther; the king of Scotland, and David his brother, the barons, and other Scots of condition, yielded to the king of England, that for the future the Church of Scotland should pay a due deference and submission to the Church of England, and such as was customarily paid in the reigns of his predecessors, kings of England. In like manner, Richard, bishop of St. Andrew's, Richard, abbot of Dunkeld, Geoffrey, abbot of Dumfermline, and Herbert, prior of Coldingham, consented and granted that the Church of England should have that superiority and jurisdiction over the Church of Scotland which in right she ought to have; and that they would never oppose the just privileges and pre-eminence of the Church of England, and that the rest of the bishops and clergy of Scotland were to give the same security. The earls, and also the barons and other men of distinction in the kingdom of Scotland, shall, upon their being required by the king of England, do homage to him, and engage to adhere to his highness against all men whatsoever. And the heirs of the king of Scotland, the barons, &c., of that kingdom, were obliged to enter into the same engagements of allegiance to the king of England and his heirs. Farther; the bishops, earls, and barons, stipulated with the king, and Henry his son, that in case the king of Scotland, upon any pretence whatsoever, should recede from his present engagements, and make an infraction upon the treaty, that then they will abet the interest of the king of England, and serve him as their liege lord, against the king of Scotland, and all other persons that shall prove enemies to the king. And, moreover, they (that is, their bishops) shall be obliged to put the territories of the kingdom of Scotland under an interdict, until such time as he shall return to his allegiance to the king of England.

Hoveden,
fol. 311.
Conventio-
nes Literæ
Fœdera, &c.
tom. 1. p.
39. Ex
Magno Ro-
tulo penes
Camer.

After these articles were read, signed, and attested by a great many witnesses of the first quality, the bishops, earls, barons, and other men of note of the kingdom of Scotland, took an oath of fealty to the king of England, his son Henry, and their heirs; by virtue of which they hold them as their liege lords, and engage to stand by them against all persons whatsoever.

This year, a little before the festival of All Saints, one cardinal Hugezun, the pope's legate, came into England, and adjusted the differences lately mentioned between the archbishops of Canterbury and York, to the advantage of the latter. This cardinal, likewise, as Hoveden words it, granted the king the liberty to prosecute those clerks that took venison, or committed any other trespass, in his forests. HENRY
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Hoveden,
fol. 313.

In the beginning of the next year the king summoned the lords, spiritual and temporal, to Nottingham. And here, for the more convenient administration of justice, he divided the kingdom into six parts, and ordered three itinerant justices to go the circuit in each division. 384.
A. D. 1176.

*The circuits
first set up.
Ibid.*

These justices took an oath to take care that the Constitutions of Clarendon should be kept. But here we are to observe, that when Hoveden gives a list of these articles, those which were looked upon as encroachments upon the Church by archbishop Becket are all omitted. The reason is, because the king had lately given them up at Avranches, in order to procure his absolution at the court of Rome.

There was another convention, or parliament, this year, held at Northampton. William, king of Scotland, was summoned hither by the king, and made his appearance; he was attended by Richard, bishop of St. Andrew's; Joceline, bishop of Glasgow; Richard, bishop of Dunkeld; Christian, bishop of Whithern, or Candida Casa; Andrew, bishop of Caithness; Simon, bishop of Murray, and the rest of the bishops, abbots, and priors of that kingdom. The king of England required these prelates, in virtue of the oath of allegiance they had taken to him, to make a due acknowledgment of subjection to the Church of England, pursuant to what had been customarily done in the reigns of his predecessors. To this the Scotch prelates answered, that they had never professed any subjection to the Church of England, neither were they obliged to any such acknowledgment. To this Roger, archbishop of York, replied, that the bishops of Glasgow and Whithern had been suffragans to the see of York in the time of the archbishops his predecessors. This claim he made good by alleging instruments of privilege granted by several popes. Though this allegation was supported by matter of fact, as has been already proved, yet

*The Scotch
bishops re-
turn home
without
owning the
superiority
of the
Church of
England.*

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the bishop of Glasgow pretended that his church was under the particular protection of the see of Rome, and exempted from all metropolitical jurisdiction; and that supposing the archbishops of York had formerly exercised any authority in the diocese of Glasgow, that precedent was of no force for the future. And here the misunderstanding between the archbishops of Canterbury and York proved serviceable to the Scottish prelates; for Richard, archbishop of Canterbury, endeavouring to draw the Church of Scotland under the jurisdiction of his own see, and failing in his design, seemed resolved to disappoint the archbishop of York. Upon this view, he is said to have prevailed with the king to give the Scotch bishops leave to return home, without making any submission to the Church of England.

Hoveden,
fol. 314.

Archbishop Spotswood represents this matter with some difference in circumstances. He observes, that the Scotch prelates were cited to Northampton by the pope's legate. That this legate made a long harangue in commendation of humility and obedience; and at last applied his discourse to the Scottish bishops, and endeavoured to persuade them to submit to the primate of York; that this would prove a very serviceable expedient, and bring the Churches of England and Scotland to a closer union; that since they had no metropolitan of their own to preside in synods and determine differences, none could be more commodious for this purpose than the neighbouring archbishop of York.

The bishops making no reply, for fear of disobliging the legate, one Gilbert, a young canon, took the liberty to deliver his sense upon this subject. He argued that the Church of Scotland had been all along independent of the English, and subject to no see but that of Rome. That their submission to a metropolitan of a foreign nation might check the discipline of the Church, and make its government impracticable. "For though," says he, "there is a good understanding between the two kingdoms at present, a war may quickly break out; in which case the communication between us and the metropolitan of York will be cut off, and the character of that prelate in Scotland grow insignificant; and as for the controversies which may probably happen, they had prelates of their own of sufficient conduct and capacity to decide them." This discourse, it seems, was de-

livered with a great deal of spirit and vehemence, inso-
 much that the English themselves were pleased with the
 canon's courage and zeal for his country. It is true, he was
 mistaken in his assertion of the independency of the Scottish
 Church. However, the legate, perceiving the motion would
 not pass, pressed it no farther. The canon, Gilbert, gained
 a mighty reputation by this harangue, and soon after his re-
 turn was promoted to the bishoprick of Caithness, and made
 chancellor of Scotland.

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Spotswood,
 Hist.
 Church of
 Scotland,
 book 2. p.
 38.

About this time, the English prelates had been complained
 of to the pope: it was pretended, they embarrassed them-
 selves too much with secular affairs, and lived at court to
 the neglect of their function. Upon this information, the
 pope wrote a reprimanding letter to the English prelates, and
 charged them not to prefer the business of the world to that
 of their character. The bishops did not relish this repre-
 hension, looked upon themselves aspersed, and desired their
 primate of Canterbury to silence the calumny. The arch-
 bishop thinking their request reasonable, wrote to the pope
 in their vindication. By his letter, it appears, that none
 but the bishops of Winchester, Ely, and Norwich, were
 taxed with misbehaviour. In the beginning of this address
 the archbishop takes notice of the articles they were charged
 with, and gives the informers a bad character. These sy-
 cophants had charged the prelates above mentioned with
 covetousness, neglect of their pastoral office, and deserting,
 as it were, from the Church to the state. They complained
 of them for concerning themselves in trials of life and death;
 and therefore, like men that had dipped themselves in blood,
 they stood aloof from holy offices, and absented themselves
 from the Lord's table. This charge the archbishop denies;
 and proceeds to set forth the regular conduct, and good
 qualities of these three prelates. He commends the bishop
 of Winchester for his humility, and compassion to the un-
 fortunate; for the largeness and generosity of his mind, and
 for his exemplary piety and devotion. He goes on to the
 bishop of Ely, and declares, that he had voluntarily sub-
 mitted to a canonical purgation, and make publick proof of
 his innocence: that he had discharged all the functions of a
 worthy prelate, and fully wiped off the blemishes thrown
 upon him. And, as for the bishop of Norwich, he had for-

The arch-
 bishop of
 Canterbu-
 ry's letter
 to the pope,
 to justify
 the bishops
 living at
 court.

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merly borne a public character at the court of Rome, and that his holiness had a long experience of his capacity and conduct. "As for bishops, living at court, and assisting at the council board, it is neither new," says he, "nor liable to exception: for since they are supposed to excel other people in understanding and conscience, their sitting at the helm, and directing in the administration, must needs be of service to the government." And here the archbishop cites several precedents from the Old Testament, to prove that persons of a religious character have concerned themselves in secular matters, appeared at the head of the state, and managed with great success and satisfaction.

He proceeds to acquaint the pope, that unless some of that character were near the king, and had an interest at court, people of little principle and ill morals would cabal to the prejudice of religion, and be always forming projects against the Church. That attempts of this nature were now checked, and discouraged by the bishops being on the spot. But if such disaffected people grew hardy, and enterprising in their encroachments; if they took no notice of the remonstrance of the bishops, and were unreclaimed by spiritual censure; the Church had then an opportunity of applying immediately to their prince, and reinforcing the ecclesiastick, with the civil authority. Farther; if, upon a provocation, the prince's passion rises to an excess, the bishops are at hand to allay the heat, and moderate his displeasure. How often are the rigours of justice abated at their intercession, the grievances of the injured redressed, and the honour of religion maintained? By this expedient the indigent are relieved, and the public tranquillity secured. Thus the monasteries enjoy their privileges without disturbance; justice has its free course; and pride and ambition are discountenanced. Thus the devotion of the laity is increased, and religion gains ground and vigour: the courts of justice are secured from corruption, the laws of the kingdom are better recommended, and the revenues of the Church preserved from spoil and invasion. In short, the sight of such men impresses an awe upon practice, and contributes to the sobriety the court. Besides, upon all solemn festivals, these prelates are present at their cathedrals: and here, by large distributions of charity, by unusual activity in government,

and by all manner of good conduct in general, they made a sufficient amends for the time they had spent at court. That this was no more than what was usual in other parts of Christendom: that the bishops of Sicily, for instance, lived at court for seven years together, without the least recess: and that the affairs of the diocese were well managed notwithstanding.

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He continues to tell his holiness, that the bishops' attendance upon the king was approved by persons of the best character for sense and capacity. That the ordering them into the country would take away the protectors of justice and religion, and open the way to maladministration. It is true, though the fatigues they suffered there made them desirous of a release; yet they ought to be continued in that post, out of regard to the publick interest. He concludes his letter with some strokes of satire upon the informers, desires the pope to give a fair consideration to the case, and promises to execute the orders which shall be sent to him."

Apud Pet.
Bleicens.
Ep. 84.

Hugezun being recalled by the pope, cardinal Vivian was sent legate into Scotland, Ireland, and Norway. Upon his arrival in England, the king ordered Richard, bishop of Winchester, and Geoffrey, bishop of Ely, to ask him upon whose authority he was so hardy as to come into his kingdom without his leave. The cardinal, somewhat frightened with these interrogatories, gave the king the satisfaction of an oath, not to stretch his commission beyond his highness's pleasure in any particular. Upon this security, he was permitted to travel into Scotland, and the expenses of his journey defrayed. It was to this legate, most probably, that the king gave satisfaction upon the following heads:—

*The pope's
legates not
to come into
England
without the
king's leave.*

1st. That no clerk should be prosecuted in a secular court for any trespass or crime; nor appear in person upon any action, unless the matter related to the king's forests; or the fee was lay, and, by consequence, liable to service, due either to the king, or some other secular lord.

A. D. 1176.
Hoveden,
fol. 316.

*The king's
engagement
to the le-
gate in re-
ference to
the clergy.*

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2ndly. That no archbishoprick, bishoprick, or abbey, should be kept in the king's hands more than a year, except upon urgent necessity.

3rdly. That those who were convicted, or confessed the

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murder of any clerk, should be punished by the justiciary of England, in the presence of the diocesan.

Matt. Paris,
Hist. Angl.
p. 132.

4thly. That clerks should not be compelled to maintain their title or reputation by combat.

Ibid.

About this time, the archbishop made three archdeaconries in the diocese of Canterbury, whereas anciently there was only one.

Spelman,
Concil. vol.
2. p. 112.
Rob. de
Monte.

This year, the Scottish bishops and abbots obliged themselves by oath to own the archbishop of York as their metropolitan; and that their successors should repair to York for consecration.

A. D. 1177.

The next year, at the parliament at Northampton, the dean and secular canons of Waltham-cross resigned the deanery and prebends into the hands of the archbishop of Canterbury. Upon this, the king, with the pope's concurrence, furnished the house with secular canons, and augmented the revenues of the foundation. Ralph, a prebendary of Chichester, was made their prior, by the bishop of London; and, at his instalment, made a solemn profession of canonical obedience to that prelate.

Hoveden,
fol. 320.
Matt. Paris,
p. 133.

*The nuns of
Amesbury
expelled for
debauchery.*

This year, the nuns of Amesbury were expelled for debauchery, and dispersed in other religious houses under stricter guard. The king gave the abbey to the abbess and sisters of Font-Everault in Anjou, who were solemnly brought into the house by the archbishop of Canterbury; the king, the bishops of Exeter and Norwich, and many other persons of quality, being present at the ceremony.

Hoveden,
fol. 320.

Thus we see the religious houses did not live at large without inspection: but when they misbehaved themselves in any scandalous degree, they were put under discipline and correction.

*A synod at
Edinburgh.*

This year, cardinal Vivian, after he had executed his legatine commission in Ireland, returned into England, and travelled at the king's charge into Scotland, where he held a synod at Edinburgh, and suspended Christian, bishop of Whithern, for refusing to appear at the council. But this prelate took no notice of the censure, thinking himself safe under the protection of his metropolitan of York.

Id. fol. 324.

*An accom-
modation
between the
emperor and
pope.
Ibid.*

About this time, the king granted the Jews in his dominions the liberty of purchasing a burying-place without the walls of the respective cities where they dwelt. For before

this time, as Hoveden reports, they used to bring up all their dead to be buried at London.

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This year, an end was put to the schism which had lasted eighteen years in the see of Rome. The accommodation between the emperor Frederick and pope Alexander was finished at Venice. And here, Johannes de Struma, Calixtus III., was degraded, and renounced by the emperor and all the ecclesiasticks and secular princes of his dominions. All the archbishops, bishops, and abbots of the empire, who had been ordained by the two antipopes, Octavian, called Victor IV., and Guy de Crema, called Paschal III., were likewise degraded.

Chronic.
Gervas.
Hoveden,
fol. 325.

Pope Alexander III. wrote a letter to the archbishops of Canterbury and York, and their suffragans, to acquaint them with this accommodation.

About this time, Peter, a cardinal legate, and formerly bishop of Meaux, was sent into France, and threatened to put Normandy and all the king of England's dominions under an interdict, unless he gave his son Richard, earl of Poictou, leave to marry Alice, daughter to Lewis, king of France. This princess it seems, was detained in the king of England's custody, beyond the time of the articles. The king of England, to stop the legate's censure, appealed to the pope in person, and going into Normandy soon after, made it appear before the legate, that the king of France had broken his articles. However, by the interest of the cardinal, and the great men of England and France, the difference was adjusted, and peace renewed between both the kings.

Hoveden,
fol. 325.

This year there happened a dispute upon the exemption of some of the more considerable religious houses from the jurisdiction of their ordinary. For the purpose; one Roger being elected abbot of St. Augustine's, Canterbury, applied to the archbishop for his benediction. He was not qualified to act in his station without it. The archbishop consented to complete his character, but required a profession of canonical obedience: the abbot, after consulting with his convent, told the archbishop he could not make this submission unless there was a salvo inserted to secure the privileges of both societies: this clause being refused as an innovation, Roger took a journey to Rome, and putting his

A contest about exemption between the abbot of St. Augustine's and the archbishop of Canterbury.

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convent under the pope's protection, got his character confirmed. This favour, according to Gervase of Canterbury, was a very injurious diminution to the archbishop. About the same time, the abbot of Malmsbury claimed the same privilege, and declined the authority of his bishop. Richard, archbishop of Canterbury, took hold of this opportunity to make a remonstrance to the pope: and began his complaint with the case of the bishop of Salisbury.

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He acquaints the pope, that the monastery of Malmsbury had lately chosen an abbot: that their diocesan, the bishop of Sarum, charged the abbot elect not to receive the episcopal benediction from any other prelate but himself. That, instead of obeying the order of his diocesan, the elect went privately into Wales, got a clandestine benediction from the bishop of Llandaff, and acted as abbot upon this authority. The bishop of Salisbury complaining of this encroachment to the archbishop of Canterbury, he suspended the bishop of Llandaff and the abbot, till they could produce a warrant to justify the liberty they had taken. And both parties appearing in the archbishop's court, it was found upon enquiry, that the abbot's bulls of exemption had strong marks of forgery. The abbot endeavoured to support his pretensions by living witnesses, who deposed that his predecessors had taken the solemn blessing from what prelate they pleased; and that without any encumbrance of canonical obedience. On the other side, the bishop alleged a great many precedents to prove the abbots of Malmsbury had professed their subjection both to his predecessors and himself. At last, the abbot finding himself pressed, demurred to the jurisdiction of the court, and declared he would be questioned about this matter before no prelate but the pope: adding withal, that the abbots were a sluggish cowardly sort of people for not disengaging themselves from the bishops' jurisdiction; since, for the yearly payment of one ounce of gold, they might purchase their freedom at the court of Rome.

The archbishop proceeds to remonstrate, that the abbot of Malmsbury's misbehaviour was common to others of his order: that the infection was almost epidemical. "The abbots," says he, "grow haughty towards their superiors, and treat their primates and bishops with disregard. Obedi-

ence, the cement of society, and the old remedy against disorder, is counted an unfashionable restraint. The abbots hate to have any corrector of their irregularities: they grasp at an unlimited liberty: they are for relaxing the discipline of the cloister, and give pleasure and fancy their utmost range. From hence it is that the revenues of the monasteries are so often squandered away, or wrongfully seized. For the abbots, provided they can eat well and live splendidly, take little care either of the interest or discipline of the house. As for the monks, they spend their time in idleness; they live perfectly at licence, without anything, either of precedent or authority, to keep them in order. Instead of silence and quiet, there is nothing but clamour and disputes among them; and the cloister is as noisy and troublesome as the lawyers' bar. And if your holiness," says he, "does not give a check to these disorders, and step in with a seasonable relief, it is to be feared, that as the abbots have revolted from their bishops, the bishops may act upon their example, and renounce their archbishops: and then the deans and archdeacons may probably follow the mode, and take the same liberty with their diocesans. Now what sort of government, what sort of justice is this, to order scholars not to be managed by their master, to bid children to disobey their parents, soldiers to take no notice of their general, and servants to refuse their master's command? What is the meaning of exempting abbots from the jurisdiction of their bishops? Is it any other than a privilege for contumacy and rebellion, and a licence for children to fly in their father's face? I humbly conceive, those who are in the supreme post of authority should consider these things, and take care that injury and encroachment may not flow in upon us from the fountain of power and law, and proceed from that place whence justice and equity is expected. It may be," continues the archbishop, "we may be thought to have opened our grievance with too much freedom: but there is nothing of haughtiness in the representation; for the affront is too big for patience, and the mischief too publick to be gently touched."

In the course of the letter, the archbishop takes the liberty to charge the pope with the inhumanity of the rich man Nathan mentioned to David. "For to make good the

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parallel, who has so many sheep," says he, "as the universal pastor the pope? And who can be poorer than the church of Canterbury, which has never an abbey but that of St. Augustine's? And yet this rich man the prophet speaks of, for I am loath to say the pope, has seized this poor piece of property, and set up a title of his own. Now, if a man might speak his thoughts, these strains of authority are by no means serviceable to the bishop of Rome: for is it not an incomprehensible sort of justice to oblige by encroaching, and enrich one person by robbing another? And if that latitude is taken in the Church, which would not pass without censure in the state, must it not be a blemish upon the spiritual administration? The apostle bids 'every soul be subject to the higher powers:' this command was directed to the Roman Church in particular. Now I would gladly know whether any person within that see is so hardy as to contradict the apostle's doctrine? To mention one text more; the author to the Hebrews speaks expressly, 'Obey them that have the rule over you.' And to go to a class of superior beings: there is government and subordination among the angels themselves. And when one of these spirits attempted to break through this order, and make himself independent, he lost his station, and sunk to a devil. Thus the modern grasping at liberty proves the ruin of a great many people. But possibly it may be said that to question the sovereign bishop's proceedings is an intolerable presumption: to this I answer, that not to give a man the liberty to defend himself, is no fair way of arguing the case: and that the contest is very arbitrarily managed, where one of the parties is only passive under blows, and has his hands tied up from striking."

He puts the pope in mind, that these exemptions occasioned so much disorder and poverty in the monasteries, that some houses refused the offer of the privilege, and others threw it up. And in the conclusion of the letter he gives the pope to understand, that there was a great deal of foul play in the monasteries, and that most of their bulls of exemption were counterfeited; and therefore desires there may be a strict enquiry made into the pretensions of the abbot of Malmsbury.

Apud Petr
Blesens.
Epist. 68.

This remonstrance was no more than a just complaint

against the encroachments of the court of Rome. These exemptions of abbeys from the jurisdiction of their ordinary has a strong appearance of design. It looks like 'an artifice to create dependence, and aggrandise the Roman see. The popes, too many of them, were too forward in lessening the ordinaries' jurisdiction. They loved to brandish their supremacy over the bishops, to put them in mind of their inferiority, and that they held at the will of their sovereign lord at Rome: but from the beginning it was not so: when the monastick order appeared first in Christendom, they were all under the government of their diocesan. But in process of time, when monasteries were richly endowed and governed by abbots of great quality, some of these men, presuming upon the strength of their interest, began to withdraw by degrees from the customary submission to their bishops. To check these enterprising motions, the bishops, it is probable, might watch their excursions, and keep a stricter guard upon them. The abbots, to cover their ambition, and to discharge themselves from subjection to their ordinaries, procured grants from the court of Rome, to be received into St. Peter's protection, and put immediately under the pope's jurisdiction. Thus, to mention no others, the Cluniacs and Cistercian monks were wholly exempted. By this means, the pope's authority was strangely increased: thus he was furnished with a new set of dependents in all places, who stood up stiffly for his authority, and were reciprocally abetted by him. This invention was not at all commended by St. Bernard, a monk of the Cistercian order. This father took the freedom to tell Eugenius III. that these new expedients were all no better than abuses; that it was by no means defensible for an abbot to disobey his bishop, or the bishop his metropolitan; that the Church militant should be governed by the precedent of the Church triumphant, in which no angel ever said, I will not be under the jurisdiction of an archangel.

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And as these exemptions were unprecedented in the earlier ages of the Church; so neither was there any just claim to such a liberty in the present case. For, though Alford will needs have the pope in the right, and declares positively for the exemption of the abbey of St. Augustine's, yet the archbishop denies the fact in his letter to Alex-

Soave
Sarpi's
Hist. of the
Council of
Trent, p.
206, 207.

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ander; and presses for the restitution of his ancient jurisdiction. Gervase, a monk of Canterbury, who lived at the same time, abets the archbishop's plea, and complains of the encroachment: and Diceto, another valuable author, who wrote soon after, plainly affirms, that the abbey of St. Augustine's had been subject to the see of Canterbury for five hundred years.

Gervas.
Chronic.
col. 1434.
Diceto,
Imag. His-
toriar. col.
602.
Alford An-
nal. tom. 4.
pars. poster.
p. 284.

Chronic.
Gervas. col.
144.

*An heresy in
the earldom
of Toulouse.*

It is true pope Alexander declared so far on Roger's side as to give him his benediction, and the marks of honour belonging to a mitred abbot. But, notwithstanding this favour, he seems apprehensive the archbishop of Canterbury might have wrong done to him: and therefore, in his letter to that prelate, he lets him know, that, at the benediction of the abbot of St. Augustine's, he put in a clause for saving the rights of the archbishop and his successors.

The heterodoxies of the Albigenses, in the territories of the count of Toulouse, are the next remarkable occurrence. It seems these errors not only seized the common people, but gained ground among several of the priests, bishops, and principal laity. The earl gives an account of this heresy in a letter to the general chapter of the Cistercians. Now, there being several houses of this order in England, I shall give the reader a brief account of some of the most remarkable particulars. The count informs the chapter, that wherever this heresy prevailed, the churches were either scandalously neglected or pulled down. The sacraments of baptism and the holy eucharist were renounced and detested; penance disregarded, the resurrection denied: in short, all the sacraments of the Church vilified and disused: and, what is still more horrible, two independent principles of good and evil were maintained. Thus much from Gervase of Canterbury.

Chronic.
Gervas. col.
1441.

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Hoveden's account is somewhat different; this historian reports, that these hereticks rejected the Old Testament, refused to own infant baptism, censured matrimony, declared against swearing upon any account, and expressed themselves with a great deal of satire and invective against the hierarchy. When they were convened before the bishops of the province and other persons of quality, both clergy and laity, they refused to submit to any other authority except that of the New Testament. The bishops

complied with them, cast the cause upon this issue, and argued with so much strength and clearness from the gospels and epistles, that the hereticks seemed convinced, and professed an orthodox belief in most points: but the article of swearing they could not get over. Their ignorance in misunderstanding the texts in St. Matthew and St. James; their mistaking these texts, I say, with the obstinacy of their humour, seemed to fix them in their error: and though it was demonstratively proved that these places were to be understood with limitation; that oaths were necessary for the support of society, and the determining differences, that the apostles, the angels, and God himself, were instances in defence of swearing; yet these men were so overgrown with self-conceit, that they would not be recovered.

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Matt. 5. 34.
James 5. 12

Galat. 1. 20.
Rev. 10. 6.
Hebr. 6. 17.

Hoveden,
fol. 317 to
320.

*A dispute
about the
choice of the
bishop of St.
Andrew's.*

And here, it may not be improper to mention a contest in Scotland, about the choice of the bishop of St. Andrew's. King William recommended Hugo, one of his favourite chaplains, to the convent. But the monks took the liberty to pitch upon archdeacon Scot, an Englishman. The king swearing Scot should never enjoy that dignity, commanded the canons to make a new choice: and ordered Joceline, bishop of Glasgow, to inspect their management. The canons being thus overawed, elected Hugo.

The archdeacon Scot maintained his ground, and appealed to Rome for redress. Upon this complaint, the pope dispatched his sub-dean Alexius into Scotland, to examine the dispute. The king of Scotland at first refused to admit the legate; but afterwards yielding, Alexius made enquiry into the proceedings, and confirmed the first election; and, which gave a farther disgust to the court, excommunicated Joceline, bishop of Glasgow, and the rest of the clergy, that assisted at the second. And to give a finishing stroke to this affair, he convened the bishops, abbots, and clergy, at Holyrood-House: and obliged Matthew, bishop of Aberdeen, to consecrate the archdeacon publicly upon Trinity-Sunday.

A. D. 1178.

The new bishop, apprehensive of the king's displeasure, took a journey to Rome, and was honourably entertained by Lucius III., pope Alexander's successor. This pope wrote to king William not to overrule elections, and encroach upon the liberty of the Church; but to permit the

*The new
bishop re-
tires to
Rome, and
dissuades
the pope
from an in-
terdict
against Scotland.*

RICH-
ARD,
Abp. Cant.

bishop, who was fairly chosen, to remain in his diocese without disturbance. This letter, though penned inoffensively as to the manner, made no impression on the king; who, to shew his resentment, seized the revenues of the see of St. Andrew's, and banished those who abetted the bishop's interest. When the news of this rigour came to the pope, he resolved to put the kingdom under an interdict: but the bishop casting himself at his feet, begged him not to proceed to such extremities; adding, that he had much rather throw up his claim, and renounce his see, than that so many Christians should be deprived of the advantages of religious ordinances, and suffer so deeply in his quarrel. The pope was charmed at his resignation and goodness, and forbore the censure. Thus archbishop Spotswood. But Hoveden reports, that Roger, archbishop of York, being legate for Scotland, excommunicated king William, and interdicted the realm at the pope's order: and that Hugh, bishop of Durham, joined with him in pronouncing the sentence. And, to make good the matter of fact, he afterwards inserts pope Lucius's bull of absolution.

Hoveden,
Annal. fol.
341. 351.

To return to Spotswood, who tells us that during the controversy, Walter, bishop of Dunkeld happened to die. Upon this vacancy, the king somewhat mollified, sent to recall the bishop, protesting that had it not been for the rash oath he had made, he would willingly have consented to his keeping the see of St. Andrew's: but now since he was tied up, both by honour and conscience, from that liberty, he desired the bishop to accept the bishoprick of Dunkeld.

The bishop communicated the king's offer to the pope, who advised him to return, and accept it. The bishop complied accordingly. This cession gave Hugo a good title to the see of St. Andrew's: however, he thought it necessary to take a journey to Rome, to get himself absolved for his intrusion. He succeeded in his business, but died on his way home, about eleven years after his election. This, though happening at some distance of time, I mention here to make the story more entire.

Spotswood,
Hist.
Church of
Scotland,
book 2. p.
39.

Diceto,
Imag. His-
toriar. col.
600.

To return to England. This year Richard de Lucy founded a convent of regular canons at Westwood, in the diocese of Rochester, in honour of the memory of arch-

bishop Becket. The king likewise, the archbishop of Rheims, and several other foreigners of distinction, paid a visit to his tomb. The same year, pope Alexander sent his legates all over Christendom to invite the prelates to a general council, which was to meet in the beginning of Lent next ensuing; two of these legates, Albertus de Suma and Petrus de Sancta Agatha, came into England. The latter, who had a commission to cite the bishops and abbots of Scotland and Ireland, took an oath that he would do nothing to the king's prejudice in his passage through his dominions.

HENRY
II.
K. of Eng.
Hoveden,
fol. 331.

The same year, the errors of the Albigenses, lately condemned, appeared again. The kings of France and England, being desirous to put a stop to this mischief, sent the archbishops of Berri and Narbonne, Reginald, bishop of Bath, John, bishop of Poitiers, with Peter, a cardinal legate, and several other ecclesiasticks of note, to attempt the recovery of these hereticks; and in case they could not prevail, to expel them the communion of the Church.

390.

When these Albigenses were cited before the cardinal legate, and other bishops, earls, &c., they drew up a confession of their faith in writing, in which their heterodoxies were tolerably renounced; but when the Consistory endeavoured to prevent their prevaricating, and enjoined them to swear to the belief of their paper, they refused to give that satisfaction. They pretended, as formerly, the unlawfulness of taking an oath, though it was proved against them that they had virtually sworn in their very confession. Upon their declining to give this security, and reconcile themselves to the Church, they were solemnly declared excommunicate, and all the faithful admonished to avoid them.

Hoveden,
fol. 328.

In January, the beginning of the next year, the archbishops of Dublin and Tuam, with five or six Irish suffragans, arrived in England, in the course of their journey to the council at Rome. Several, likewise, of the prelates and abbots of Scotland, came hither for that purpose. All these foreign prelates took an oath not to do anything to the damage of the king or kingdom. There were only four English bishops who went to the council, viz., Hugh, bishop of Durham, John, of Norwich, Robert, of Hereford, and Reginald, of Bath. The abbots were more numerous. Hove-

Hoveden,
fol. 332.

RICH-
ARD,
Abp. Cant.

A. D. 1179.
*The council
of Lateran
under Alex-
ander III.*

den reports that the English prelates insisted upon it as a privilege that they should not send more than four of their order to a general council at Rome.

The council was held in the beginning of March the year following. I shall give the reader a summary account of most of the canons.

1st. To prevent schisms from double elections, and cut off the pretensions of an antipope, it was ordained that no person should be consecrated bishop of Rome, unless chosen by two-thirds of the cardinals. That, at the election of other bishops, a bare majority, pursuant to the direction of the canons, might be sufficient. But a particular provision was thought necessary for the Roman Church, because, if a contest should happen, there was no superior authority to appeal to.

To proceed to the rest of the canons, without mentioning the number. The Albigenses, and Publicans, or Waldenses, in Gascoigne and Provence, were excommunicated, and all Christians forbidden to entertain them in their houses or country, or keep any correspondence with them. No person was to be promoted to a bishoprick under thirty years of age. He was likewise to be unblemished in his birth, and well recommended for probity and learning. Benefices were not to be promised before a vacancy, nor kept void more than six months after the death of the incumbent. No clerks, from sub-deacons and upwards, were to involve themselves by secular commissions. Parochial priests are prohibited from having pluralities; and if the bishop ordained any person without a title, he was to provide for him till preferred. Jews and Saracens are not allowed to keep any Christian slaves; and those that submit to such servitude under them are to be excommunicated. They are likewise forbidden to sell any arms or provision of war to the Saracens. Lepers are enjoined to live by themselves, and to have a chapel and priest assigned them. Usurers convict are barred receiving the sacrament and Christian burial. Priests, monks, pilgrims, merchants, and husbandmen, are not to be disturbed in their journey or employments, but to be always under the protection of a truce. All ordinations made by schismatics are declared null, and the benefices bestowed by them reckoned as vacancies. The Knights Templars, and

Hospitallers, were not to open an interdicted church more than once a year, and then not to bury any corpse in it. It seems the Templars likewise presumed too far upon the privilege of their order, broke through the discipline of the Church, and encroached upon the jurisdiction of the bishops. Farther, those that plundered shipwrecked persons were to be excommunicated. To prevent procurations from being over-burthensome to the diocese, archbishops are not to exceed forty or fifty horse in their retinue; bishops are not to be attended with above thirty in their visitation; legates are stinted to twenty-five; and archdeacons were not to travel with more than seven. The exercises of tilting and tournament being oftentimes dangerous, and attended with great inconveniences, those trials of manhood were forbidden; and if any person happened to be mortally wounded in such encounters, though he might be restored to communion upon his request, he was not to be allowed Christian burial. Every cathedral was to furnish a schoolmaster to teach the poor gratis. Bishops and other ecclesiasticks were not to be compelled to take their trial in secular courts. Laymen are likewise forbidden to make grants of tithes to laymen. No clerk was to frequent a nunnery without a clear and justifiable excuse; he that did not forbear such liberties upon admonition from his bishop was to lose his preferment.

HENRY
II.
K. of Eng.

This year, Roger, bishop of Worcester, son to the famous Robert, earl of Gloucester, departed this life. Giraldus Cambrensis commends him for a prelate of extraordinary piety, and a good governor; and particularly that he was very careful to prefer people according to their merit, and not led away by any partiality to his relations, in which commendable quality he followed the precedent of archbishop Becket. King Henry sent him ambassador to pope Alexander, to purge him of the imputation of being concerned in Becket's death. He died at Tours, on the 9th of August, at his return from Rome, where, as some affirm, he assisted at the Lateran council.

Hoveden,
Annal. p.
332.
Matt. Paris,
Hist. Angl.
p. 137.
Concil. tom.
10. p. 1507.
et deinc.

391.

Towards the latter end of August, Lewis, king of France, landed at Dover, in order to visit archbishop Becket's tomb. He was met at that town by the king of England. They made a very pompous entry into Canterbury, and were re-

Angl. Sacr.
part 1. p.
476. part 2.
p. 428.
Chronic.

RICH-
ARD,
Abp. Cant.

ceived with extraordinary solemnity. The king of France, after having prayed and fasted at Becket's tomb two or three days, offered a gold cup, and settled an annual pension of a hundred muids of wine, in honour of his memory; and to state the value of this devotional respect, we are to observe, that a French muid or modius contains thirty-six sexaries or gallons, and answers the proportion of our English barrel.

Gervas. col.
1457.

A. D. 1180.

*King Ed-
ward's laws
confirmed.*

The next year, the king constituted Ralph Glanville, justiciary of England. This learned judge drew up a body of the English laws, most of which were in use in the Saxon times, and afterwards confirmed by the Conqueror. For William I., by the advice of his barons, summoned the Saxons of condition, and such as understood the customs and laws of the realm, in the fourth year of his reign. Twelve of these men were chosen out of every county; when they came to court, they took an oath to give in a true state of the constitution, without addition, concealment, or any prevarication whatsoever. Hoveden sets down the draught at large. But since the laws relating to the Church are the same with those of Edward the Confessor, I shall waive the repetition, and refer the reader to that reign.

Hoveden,
fol. 342 et
deinc.
Vid. supra
ad An. 1066.

*Geoffrey,
elect of Lin-
coln, resigns*

Geoffrey, the king's natural son, elect of Lincoln, had received the revenues of the bishoprick about seven years without being consecrated. This being complained of as an indefensible practice, the pope sent an order to the archbishop of Canterbury not to admit of any farther excuses, but to press Geoffrey to this alternative; either to qualify himself immediately, and complete his character, or else to resign his election. Geoffrey thus straitened, and having a modest opinion of his own abilities, chose rather to relinquish the preferment than undertake an employment too big for his management. He therefore had a resignation drawn up in form, and sent it to the archbishop of Canterbury; a copy of which was likewise directed to the chapter of Lincoln, to desire them to give him a discharge.

See Re-
cords, num.
27.

*The charters
of exemption
of St. Au-
gustine's,
Canterbury,
most proba-
bly counter-
feit.*

Roger, abbot of St. Augustine's, Canterbury, who had contested so hard for the exemption of his house, was, at last, obliged to produce his evidence. It seems the pope had ordered him to give this satisfaction. He was very unwilling to come to this test; neither was he at all impolitick

in his backwardness; for, as Gervase of Canterbury informs us, the two charters he produced, one of which he pretended was king Ethelbert's and the other archbishop Augustine's, these two charters, I say, had both strong marks of forgery upon them. The first of them, as Gervase continues, appeared rased and interlined; the other had a modern face, and was very unlike the age to which it pretended. The learned sir Henry Spelman argues against the genuineness of these charters, from the metal form and impression upon the seal, from the figure and character of the inscription, from the style and phraseology, and from the manner of the date; not to mention that the conveyance of privileges by instruments in writing, was not thus early in use among the Saxon kings.

HENRY
II.
K. of Eng.

A. D. 1181.

Spelman,
Concil. vol.
1. p. 122 et
deinc.

This year, Roger, archbishop of York, finding himself under a distemper which was likely to prove mortal, sent for several abbots and parish priests of his province, and made them a sort of executors for distributing his estate among the poor. He sent five hundred pounds, for this use, to the archbishop of Rheims, and the same proportion of charity to the archbishop of Rouën, and other bishops in Normandy. He likewise sent considerable sums to the archbishop of Canterbury and his suffragans, to relieve the indigent of that province. And thus, after he had disposed of all his effects to charitable uses, he removed from his country seat to York, where he died upon the 1st of December, after he had sat seven-and-twenty years. Nubrigensis gives him the character of a person of learning and elocution, and one that understood the world very well; but as to those things which concerned his function and the government of the Church, he was not altogether so unexceptionable. By the way, the archbishop was no friend to the monasteries, which seems to have given this historian a prejudice against him.

*The death of
Roger,
archbishop
of York.*

Hoveden,
Annal. fol.
350. Nu-
brigena.
l. 3. c. 5.

When the king heard of the archbishop's death, he ordered his officers to enquire in whose hands his effects lay, and make seizure of them. These men being informed that Hugh, bishop of Durham, had received five hundred marks of the archbishop's money, they made their demand. The bishop told them he had disposed of it to the blind, the lame, the dumb, and other indigent people, according to the archbishop's order, and that he would never endeavour to re-

Hoveden,
fol. 351.
Nubrigena.

RICH-
ARD,
Abp. Cant.

cover it. The king, displeased with this answer, seized the castle of Durham, and distressed the bishop in several other instances. Upon the death of this archbishop the see continued vacant ten years.

*The death
of Johannes
Sarisburi-
ensis.
His charac-
ter.*

392.

To this year we may add the death of Johannes Sarisburiensis, so called from his being born at Salisbury. His genius, and the improvements of his education, were extraordinary; insomuch that he was reckoned a man of the first class for languages and all sorts of learning, and was the ornament of the age he lived in. The popes Eugenius III. Adrian IV., and Alexander III., had a particular regard for him; and archbishop Becket made him one of his most intimate friends. He followed the fortune of this prelate in his exile, and no offers of preferment from the court could tempt him to leave him. After the death of Becket he was made bishop of Chartres, in the province of Sens. His conduct was remarkably regular, and he was no less admirable in his life than in his learning. He had a great share of courage with the rest of his good qualities, and assumed a noble freedom in his reproofs on persons of the highest station. Where he thought the interest of virtue and religion concerned, no regard of quality or friendship could bribe or overawe him. He wrote the Polycraticon, or de Nugis Curialium; a collection of letters, and several other tracts, too long to mention; some historians assign his death to the next year.

Pits de Il-
lustr. Angl.
Script.
Cave's Hist.
Liter. part
1.

This year pope Alexander died, and was succeeded by Lucius III.

Petrus Blesensis's letter to the bishop of Lisieux about resigning his see.

About this time, Arnulphus, bishop of Lisieux in Normandy, who had formerly employed his pen and his interest for king Henry against archbishop Becket, fell under the disfavour of that prince. It seems this discountenance was such that it put him to some difficulty, whether he should resign his bishoprick, or stand the shock of the court. Being thus unresolved, he wrote into England to Petrus Blesensis for his advice. Blesensis sent him his opinion with great honesty and freedom. I shall mention some part of it. First, he puts the bishop in mind that his age and the declension of his strength might go some way in the excuse of his retirement; that there were precedents for this practice in antiquity. That when a pre-

late was worn out with age and infirmity, he used to be relieved with an assistant: thus St. Augustine was made Valerius's coadjutor in the see of Hippo. "But if you put into port," says he, "to avoid a court storm, if the displeasure of your prince, or any other disturbance, prevails with you to quit and throw up your government, such motives are by no means reputable. To sink under difficulties, and retire from the face of danger, is an argument of a coward, and by no means agrees with the firmness and fortitude of your character: besides, if excess of caution, and infirmity of thought, should make you give way, your very retirement would be a burthen to you. The consideration of your weakness and irresolution would afflict you, and you would never be able to bear up against your own recollection. In short, never desert your post upon the single score of hardship; but if you are solicitous about your prince's favour, a moderate share of application and observance will easily recover it."

HENRY
II.
K. of Eng.

"But if you are conscious of coming into your bishoprick by any indefensible methods, it will be most advisable for you to resign, and not to retain any advantage unfairly gained."

Alford An-
nal. tom. 4.
pars poster.
p. 309.

This prelate resigned his see soon after, though, as Hoveden reports, not altogether upon the motives of Petrus Blesensis. He was succeeded by the treasurer of York, preferred thither by king Henry.

Hoveden,
fol. 350.
A. D. 1182.

Upon the death of Walter, bishop of Rochester, Richard, archbishop of Canterbury, entered upon the manors and estates of that see, the barony of that bishoprick being held of the church of Canterbury.

Chronic.
Gervaa. col.
1462. 1464.

Ralph, the chief minister, sent the archbishop an order to desist, and not to seize the temporalities of the see of Rochester without the king's leave. Upon this dispute, commissioners were dispatched to the king in Normandy, who returned with this answer; that the archbishop of Canterbury, according to ancient custom, might lawfully enter upon the revenues of the see of Rochester in a vacancy, and dispose of the bishoprick to what person he thought fit. This contest being over, the archbishop made Gualleran, archdeacon of Baïeux, bishop of Rochester. He was chosen in the chapter-house of Rochester, whereas, by ancient usage, the election ought to have been made at Canterbury:

The bishop
of Rochester
held his ba-
rony of the
archbishop
of Canter-
bury.

Ibid.

Ibid. col.
1468-9.

RICH-
ARD,
Abp. Cant.

See collec-
tion of Re-
cords, num.
28.
A. D. 1183.

Hoveden,
fol. 352-3.

Hoveden,
Annal. fol.
352-3.
393.

*The arch-
bishop of
Canterbu-
ry's remon-
strance to
the young
king.*
Pet. Ble-
sens, Ep.
47.

but the convent of Canterbury had satisfaction given them at Gualleran's consecration.

This year, pope Alexander sent the clergy of Berkshire a discharge from furnishing their archdeacon with hawks and dogs. The bull likewise retrenches the expenses of the archidiaconal visitation in some other circumstances.

King Henry, notwithstanding his successes in Scotland and Ireland, and the great extent of his dominions in France, was very unfortunate in his children. His sons were frequently clashing with each other, and sometimes in arms against himself. Neither the ties of nature, the solemnities of treaties, nor the securities of homage, could restrain them from flying out. They distressed their father in his dominions, seized his castles, and marched at the head of an army of banditti, and managed the war with all the falsehood and barbarity imaginable.

The prelates thought themselves obliged to concentrate the strength of their character, and oppose the censures of the Church against these disorders. To this purpose, Richard, archbishop of Canterbury, Gualleran, bishop of Rochester, and several bishops of Normandy, met at Caen, and solemnly excommunicated all those that should obstruct a good understanding between the king and his sons, excepting no person from the censure but the young king. And this expedient not making a sufficient impression upon that prince, the archbishop of Canterbury took the freedom to remonstrate against his conduct in a letter.

In the beginning of this address, he entreats the young king not to take it ill if he met with any unacceptable expressions; that nothing but anguish and the necessity of the case could have forced him upon such a liberty; and that it was part of his office to make it his endeavour to "turn the hearts of the children to their fathers." Besides, he desired his highness to consider that excessive grief was a very free expostulating passion; that he was extremely afflicted to see him draw his sword against his father, and harass his dominions, which in honour he ought to defend at the utmost hazards. "Whence comes it to pass," says he, "that you should be so unfortunate as to head those wretched Brabantines, men of desperate fortunes and consciences, and who lie under the censures of the Church? What has your

father done to forfeit your affection, to make you forget your duty, and destroy your friends? Is it not much more advisable for you to hearken to overtures of peace, and resign yourself to your father's conduct, than to be swayed by flattery, to push things to extremity, and make the world unhappy?" The archbishop proceeds to tell the young prince, that in case he would disengage from his evil counsellors, discharge that excommunicated clan, be employed in his service, and return to a correspondence with his father, he would do his utmost to serve his interest, and restore his affairs; neither did he question but that better terms might be procured by submission and amicable methods, than it was possible for him to extort by fire and sword; but in case he refused to consent to the measures proposed by the archbishop and his suffragans, (for it seems they joined with their metropolitan in the remonstrance,) he acquaints him, he had an order from the pope to put him and his party under an excommunication; that his highness would be precluded the benefit of an appeal, and that he could give him but a fortnight's time to consider of it.

HENRY
II.
K. of Eng.

As for the Brabantines the archbishop blames the young king for heading, they are ranged in the late council of Lateran amongst other hereticks; they are described as apostates, and stand for all persons under censure and infamy. That they received monks and nuns who revolted from discipline and deserted their cloister; that as they marched along the country, they treated those who refused to submit with all the barbarity imaginable, plundering churches and monasteries, and sparing neither age nor sex.

The Brabantines what.

To return: the young prince received another expostulating letter from Rothrod, archbishop of Rouën, upon the same subject, in which, amongst other things, he tells him, he counts it a great affliction to have his life prolonged to such unhappy times; that it was a most deplorable sight to see the son in arms against his father, and enough to make an honest man wish himself out of being. That nothing could be more remote from reason and conscience than such a contest; and that he looked upon it as a sally of youth, over-heated into fever and distraction.

Chronic.
Gervas. col.
1461. Con-
cil. tom. 10.
col. 1522.

The archbishop of Rouen's remonstrance to the young king.

Notwithstanding these remonstrances, the young king held

Pet. Ble-
sens. epist.
33.

RICH-
ARD,
Abp. Cant.

Sacrosancti
corporis et
sanguinis
Domini via-
tico muni-
tus.
Hoveden,
fol. 354.
Pet. Ble-
sensis,
Epist. 2.

*The young
king dies
very peni-
tent for his
undutiful-
ness and
rebellion.*

394.

Hoveden,
fol. 352.

on in his disobedience; and when he found his exchequer low, supplied himself by sacrilege, and plundered churches to carry on the war. Some little time after, finding his affairs embarrassed, and that he wanted force to distress his father, the rage of the disappointment threw him into a fever, which was afterwards attended with a violent dysentery. When he perceived the approaches of death, he sent for the king, his father, to Martel, near Limoges, where he lay sick. But the old king declined making him a visit, for fear of treachery and surprise. Afterwards, the young king, sending for the bishops and clergy of the neighbourhood, lamented his undutifulness, and made a publick confession of his misbehavior. Upon which the bishops gave him absolution. And now, being thoroughly touched with remorse, he habited himself in sackcloth, and tying a rope about his neck, desired their prayers that our Saviour, who received the penitent thief upon the cross, would have mercy on him. Upon this, he desired them to draw him by the rope from his bed to another strewed with ashes, which he had prepared for that purpose. The bishops satisfied his desire, and gave him the holy eucharist; and thus he expired with all the signs of a penitent and Christian disposition. When news was brought to the old king, he lamented his death in a very passionate manner. And now, all the revoltors returned to their duty, the rebellion expired with the young prince, and all people seemed glad of the accident, excepting his father. And here the historian breaks out into a transport of joy for the deliverance, and addressing the king by way of fiction, asks him, why he mis-employed his passion, and threw away his grief upon a wrong object? "You mistake the relation, sir," says he; "he that had nothing of duty or nature in him, could be none of your son; but providence at last has appeared for you, and revenged the unnatural rebellion. The untimely death of this young prince will fortify the authority of parents, and make children afraid of flying in their father's face. Indeed, when wickedness goes to such a flaming excess, it is no wonder to find it remarkably checked; and those who will venture upon parricide ought to suffer under exemplary punishment." Thus far Hoveden. The rest of the king's sons who took up arms against their father were

unhappy in the issue. Geoffrey, earl of Bretagne, died soon after his brother Henry. Richard, earl of Poictou, and afterwards king of England, was cut off in his youth by a violent death; and king John, the other brother, made an unfortunate figure, lost almost all the hereditary provinces in France, surrendered his crown to the pope, and died dispossessed of the greatest part of his dominions in England.

HENRY
II.
K. of Eng.

This year, cardinal Vivian, the pope's legate, travelled from Scotland into the neighbouring province of Ulster, in Ireland, where he was honourably received at Down, by the king and bishops. While the legate was in this city, John de Courcey, an English nobleman, marched his troops into Ulster, and appeared before Down. The Irish, surprised at the approach of the enemy, applied to the legate for his advice: he told them, their way was to fight for their country, and gave them his blessing to encourage them. The Irish, thus fortified, drew out their forces, and gave the onset with great resolution. But the English being better armed and disciplined, the Irish were quickly broken, and forced to retreat. Upon this defeat, the city of Down surrendered: and now the legate was somewhat put to his shifts, and forced to take sanctuary in the cathedral. However, being a man of politicks, he was provided with a reserve to disengage himself. He had taken care to furnish himself with king Henry's letters to the English generals and governors in Ireland. Upon the producing this protection, he was well received by the English in that kingdom; and now he made his progress to Dublin, and held a national council. Here he endeavoured to bring the Irish Church to a full conformity with the Roman; but being discountenanced by the king of England's ministers, and not getting so much Irish gold as he expected, he left the country, and returned to Scotland. Nubrigensis reports an odd custom of the Irish in Ulster, with relation to the solemnity of Easter. The story was told him by a venerable bishop of their own. They thought they paid their devotion to God in a very acceptable manner, provided they had laid up a good stock of plunder against Easter; and he that could furnish the best entertainment, and had been most fortunate in thievery and rapine, was looked upon as keeping the festival in the best manner. This barbarous fancy made them very

Nubrigen.
l. 3. c. 9.

RICH-
ARD,
Abp. Cant.

ambitious not to come short of their neighbours in their preparation.

This year a civil war broke out between the pope and the burghers of Rome: the dispute was concerning some privileges granted by his predecessors, which Lucius swore should be continued no longer. The Romans, enraged at this revocation, harassed the pope's territories, and obliged him to retreat to places of strength. But finding himself too weak to deal with the insurrection, he sent his legates to the western princes and prelates to solicit their assistance. These agents came to king Henry's court, and desired a supply of money from his highness and the English clergy. The king, consulting the bishops upon this affair, they desired him to supply the pope with what sum he thought fit, for himself and them: and that they would return him what proportion he should command. They thought it was more advisable for the king to make a present to the legates, than to suffer them to collect the money themselves: for this liberty, they conceived, might prove a prejudicial precedent to the kingdom. The king approved the motion, and furnished the pope from his exchequer.

Baron. An-
nal. ad An.
1183. Hove-
den, Annal.
fol. 354.
Id. fol. 355.

*The death
of the arch-
bishop of
Canterbury.*

In the beginning of the next year, Richard, archbishop of Canterbury, departed this life. Nubrigensis gives him the character of an inoffensive prelate, and that he had a moderate share of learning. Others represent him as a person of too passive a temper; that his management was languid and over-cautious; that he connived at the vacancies of bishopricks and abbeys with too much indifference. Petrus Blesensis, prebendary of Bath, and an intimate friend of the archbishop's, took the freedom to represent his misconduct to him in a letter.

*Petrus Blesensis's re-
monstrating
letter to that
prelate.*

He acquaints him, his government was deeply censured: that people taxed him with inactivity, and sleeping over his charge: that all the misfortunes of the Church were imputed to his want of zeal and resolution; that the ark of God was taken by the Philistines; the Church harassed and depressed by harpies and libertines; the sword of St. Peter eaten up with rust; the honour of God blasphemed; the sacraments grown contemptible, and all through the negligence of his administration. "They say," says he, "it is

your fault that Malchus attempts to seize our Saviour; that Pashur outrages the prophet Jeremy; and Belshazzar debauches in the vessels of the temple. When I mention your humility and inoffensive behaviour, they account this a cold commendation, and a mean character for a prelate. They object, these virtues are but slender qualifications for a person of your station. That bare abstaining from evil without doing good, falls short of the duty of an archbishop. And, 'that a barren tree will be cut down and cast into the fire.' They complain, you found the Church in an admirable condition: that now affairs are much altered for the worse, discipline decayed, and the honour of religion sunk, by your cowardice and inactivity. These reproaches are a great mortification to me, and yet I am in no condition to silence them.

HENRY
II.
K. of Eng.

“When I commend you for repairing the houses, improving the farms, and managing the revenues of the archbishoprick, they will not allow it for any defence; this plea serves only to revive their satire against you. And what is a farther addition to my grief is, that the king, who, to my knowledge, has a hearty regard for you, is sensible of your feeble management. That he is so appears by the private reprimands he has given you. How often has he lamented your tameness and neglect, and put you in mind of the encouragement given to disorder by the slackening of discipline? Neither have you any reason to complain of want of support and countenance; for I, who have sometimes the honour to attend the king, heard him, amongst other other expressions of favour, speak this remarkable sentence: ‘I would desire my lord archbishop to take notice,’ says the king, ‘that if any person of the highest quality, not excepting my own son, shall presume to embarrass their primate of Canterbury, and hinder him in the execution of his office, I will revenge the affront as deeply as if it had been a treasonable attempt against my own crown and dignity.’ I know,” continues Blesensis, “that the king has been desirous a great while that you would awaken your courage, and exert your authority; that your hand, if I may say so, would take hold of judgment, and reprove for the meek of the earth.”

395.

A. D. 1184.

RICH-
ARD,
Abp. Cant.

Pet. Ble-
sensis,
Epist. 5.
Baron. An-
nal. ad An.
1184.

*A contest
between the
bishops and
monks about
the election
of the arch-
bishop of
Canterbury.*

He proceeds to excuse the freedom of his remonstrance; and, at last, endeavours to excite the archbishop to his duty from the topicks of a future account and the terrors of another world.

The see was quickly filled, though not without some dispute, after the archbishop's death: for this year, the king came to Reading, and summoned a convention thither to proceed to an election. And here there happened a contest between the monks of Canterbury and the bishops. The monks pretended to the privilege of voting first, and the greatest interest in the election: for this they produced the king's charter. The bishops, on the other side, argued against the authority of the charter; that it was a grant against common right, and made in prejudice of the Church of England: insisting, withal, that suffragans ought to have the liberty of choosing their metropolitan. The controversy running thus high, the meeting broke up without effect. But not long after, the king convened the bishops and monks of Canterbury to London for the same purpose.

*Baldwin
elected.*

And here, the monks reviving the dispute, Gilbert, bishop of London, who, in right of his see, had the privilege of voting first, chose Baldwin, bishop of Worcester: all the rest of the bishops concurred in this election, but the monks of Canterbury refused to comply, made an appeal to the pope, and so went off. The bishops presented their elect of Canterbury to the king, who received him as archbishop: he was saluted, with the same regard, by Richard, Geoffrey, and John, the king's sons. Soon after, the king came to Canterbury to satisfy the peevishness of the monks, and put an end to the contest: and at last, giving them the formality of a new choice, he prevailed with them to pitch upon Baldwin. And to secure the privileges of their convent, Alan, prior of Christ's Church, and a select number of the chapter, came to London, with letters of deputation from the whole house. These commissioners, meeting in the chapter-house at Westminster, chose Baldwin, above mentioned, archbishop of Canterbury. And that they might not seem to own anything done already, or assent to the bishops' election, they sung the Te Deum, led the archbishop to the altar, and, saluting him on the cheek, presented him to the king

Hoveden,
fol. 355.

and his sons, where the same ceremony was repeated to him. HENRY
II.
K. of Eng.

This year the king divided his forests into several precincts, and constituted four justices for each division, viz. two clerks, and two knights. Ibid.

The monks of Christ's Church, Canterbury, appearing troublesome at the late election, the king and the archbishop projected an expedient to check their interest, and make them more inoffensive for the future. For this purpose, the archbishop designed to found a society of secular canons, and to build a college upon St. Stephen's churchyard, at Hackington, about half a mile from Canterbury. This college was to consist of twenty canonries, one of which was to be endowed by the king, and the rest by each of the suffragans of the province. These preferments, as they became vacant, were to be filled up by the respective founders. The archbishop's part was to build the church and the college, for which he had drawn a very magnificent model. The foundation was to be in honour of archbishop Becket, whose memory and martyrdom made so great a blaze in Christendom. Thus the king's settling a prebend, was to be, as it were, a perpetual penance upon the crown, for the misfortune of that prelate's death. These appearances looked so honourably, and gave so strong a colour to the undertaking, that the pope gave Baldwin a commission to pursue his model, and granted him a fourth part of the offerings made from that day forward at Becket's tomb. But after all, the secret of the project was to draw the election of the archbishop from the convent of Christ's Church, to this new erection; it being reasonably supposed that the canons would prove more manageable upon such occasions than the monks, and be influenced by the directions of their respective patrons. In short, there were great preparations of materials, the building was begun, and carried on with great application; and several estates were settled for the maintenance of the canons. But the monks, at last, detected the design, and foreseeing how prejudicial it would be to their convent, made a heavy complaint to the pope upon that subject; setting forth that the archbishop designed to strip them of their ancient privileges. That his intention in building this collegiate church, was to make the holy chrism, He designs
a college
for secular
canons at
Hackington.
Ibid.

BALD-
WIN,
Abp. Cant.

and consecrate bishops there, to injure their convent in its authority and revenues, and to remove the archiepiscopal see to the new foundation. To give this remonstrance the greater force, they complained that Baldwin was, in a manner, forced upon them by the interest and overruling of the court; that he had shewn himself disaffected to their society; that he had seized the customary presents made to them, deprived them of their advowsons, expelled some of their members, and excommunicated others. It seems these monks had been very stubborn and untractable in their behaviour to the archbishop, insomuch that he had formerly sent his agents to the see of Rome, to complain of them. These commissioners charged the monks with intolerable pride, and perverseness with reference to the late election. They urged that Baldwin was both their metropolitan and abbot: that the archbishops, thus fortified in their character, had all along had the disposal of everything belonging to the see of Canterbury; that the placing, and displacing of the prior, sub-prior, and all other officers, and members of the society belonged to them. To give one instance, Theobald turned out the two priors, Jeremy and Walter. From hence they argued, *à fortiori*, that if the archbishop could make and unmake the prior, other business of less consequence must, of course, fall within his jurisdiction. To this they add, that the monks confessed this power in the archbishop by dropping their appeal; and that they would never have made so dishonourable a retreat, had they not been conscious of their being in the wrong. I mention this to shew the height of the misunderstanding, and that the monks bore hard upon their archbishop.

Gervas.
Dorobern.
de Discord.
inter Mo-
narch. et
Baldwin, p.
1303 et
deinc. ad
1309.

To return to the monks' remonstrance; they inform the pope farther, that the archbishop had suspended their prior, and some other of their members, who were sent to his holiness with an appeal; that he had published an order to forbid the monks going out of the cloister upon any occasion whatsoever: that he had sent clerks throughout all the kingdom to preach up a contribution for the new church. That he had brought the crown into his interest, and was grown irresistible in his encroachments: that he endeavoured to make the king and the bishops the judges of the controversy: that by this means the convent would be brought un-

der this dilemma, either to incur the displeasure of the king and kingdom, or else be forced to betray their society, and put a contempt upon his holiness.

HENRY
II.
K. of Eng.
Ibid.

Notwithstanding this application to Rome, the archbishop went on with his structure, consecrated the church, and installed several prebendaries. Upon this, the prior Honorius posted to Rome with all the speed imaginable. The king being willing to put an end to the contest, and understanding that the monks refused to refer the difference to himself and the bishops, went down to Canterbury in hopes to bring the convent off their obstinacy. But the monks refused to stand to the king's award; and to excuse themselves, they alleged the matter now lay before the pope, and could not be referred to any other decision. An accommodation being thus impracticable, the king and the archbishop sent their agents to Rome, who besides their instructions from their masters, were charged with letters to the pope from each of the bishops of the province of Canterbury. The pope, upon the hearing of both parties, pronounced judgment in favour of the prior and monks; and ordered the archbishop to restore the religious he had displaced. Baldwin took little notice of this order, and instead of restoring the monks, gave the convent a new provocation, by consecrating the chrism at London. The monks addressed his holiness for relief, and prevailed with him to send his legates for their restitution. Archbishop Baldwin received a menacing order sent him by the pope, to pull down the new church, and proceed no farther in the undertaking. And thus the king, the archbishop and his suffragans, were overruled by the pope's authority, and suffered themselves to be baffled by the monks. Thus the noble design was blasted, and the buildings at Hackington all demolished.

The cause determined at Rome in favour of the monks, and the archbishop forced to desist.

Not long after, pope Urban III. departed this life, and was succeeded by Gregory VIII. The archbishop expecting more favourable treatment from this pope, attempted to work the point another way. To this purpose, he bought a manor at Lambeth, of the bishop and convent of Rochester, and ordered all the timber and materials prepared for the college at Hackington to be brought hither. And here, where the archbishop's palace now stands, he began to build upon the old plan, but did not live long enough to carry it through.

Antiquit. Britan. and Godwin in Baldwin.

BALD-
WIN,
Abp. Cant.

This controversy about the college at Hackington lasted above four years, under the successive popedom of Lucius and Urban III., Gregory VIII., and Clement III. However, I have rather chosen to represent it under one view, than give it the reader in fragments, in compliance with the niceties of time.

397.

The king of Jerusalem sends an embassy to the king of England to solicit for succours. p. 142.

About this time, the Christians in Palestine were hard pressed by the Mahometan prince Saladin. And despairing to restore their affairs by their own strength, Baldwin, king of Jerusalem, sent Heraclius the patriarch, and the masters of the Knights Templars and Hospitallers in embassy to the king of England. Matthew Paris reports, that part of their instructions were, to make him an offer of the kingdom of Jerusalem, which seems confirmed by Hoveden's relation: who tells us, the ambassadors presented the king with a royal standard, the keys of our Saviour's sepulchre, of the tower of David, and of the city of Jerusalem; entreating him to send them a speedy relief, and saluting him with the title of hereditary sovereign of Jerusalem. They passed this ceremony upon him, because Fulco, his uncle by the father's side, had been king of Jerusalem.

A. D. 1185.
The bishops and other great men undertake the crusade.

They had solemn audience at Reading, where they delivered a very pressing letter from pope Lucius III. The king gave them a general expectation of favour, and promised to let them know his mind farther upon the first Sunday in Lent, at which time the lords spiritual and temporal were convened at London. William, king of Scotland, likewise, and David his brother, with the earls and barons of that kingdom, made part of this solemnity. The convention came to this resolution, that Philip, king of France, should be consulted, and so broke up. As for the king of England, he gave all his subjects, both clergy and laity, leave to undertake the crusade. Upon this permission, Baldwin, archbishop of Canterbury, Ralph Glanville, justiciary of England, Walter, archbishop of Rouën, Hugh, bishop of Durham, a great many other prelates, and almost all the earls, barons, and gentlemen of note in England, Normandy, Aquitaine, Bretagne, Anjou, Maine, and Touraine, engaged in the service.

Hoveden,
fol. 358.

But all this countenance fell short of the patriarch's expectation. It seems, he hoped the king would have gone in

person in the expedition. This, however, was thought impracticable at that juncture. The king told him, he could not withdraw the guard of his person without great danger to his dominions; and that the French king would not fail to make use of the opportunity, and attack him in his absence. But notwithstanding he could not head the troops himself, he was ready to furnish them with large supplies of money. To this, the patriarch replied somewhat bluntly, that his highness's offer signified nothing. That almost all parts of Christendom furnished their coffers; but nobody sent them a prince of figure to command their armies, and encourage the country. And that, in short, they wanted a great man, much more than a great sum of money.

HENRY
II.
K. of Eng.

The patriarch of Jerusalem dissatisfied with the king's answer.

This year, pope Lucius III. gave the pall to Baldwin, archbishop of Canterbury. This pope died soon after, and was succeeded by Urban III., to whom the king sent an embassy, and gained several points at the court of Rome, which had been formerly denied. One of this pope's favours, as they were then counted, was the granting the king the liberty to crown which of his sons king of Ireland he thought fit. The pope confirmed this privilege with his bull, and delivered the ambassadors a crown of peacocks' feathers set in gold.

Chron.
Brompton,
col. 1144,
1145.

Two years afterward, Saladin, sultan of Babylon, defeated the Christian army in Palestine; and took Guy, king of Jerusalem, prisoner: and in consequence of this victory made himself master of Jerusalem, Antioch, and most of the towns of the Holy Land. The news of this defeat occasioned the death of pope Urban III. This loss of Jerusalem to the infidels happened eighty-seven years after it had been recovered by Godfrey of Boulogne.

Hoveden,
fol. 359.

Jerusalem taken by Saladin.

A. D. 1187.

Hoveden,
fol. 362, 3.

This year Gilbert, bishop of London, departed this life. The greatest part of his history has been already mentioned in the life of archbishop Becket: I shall only add the remainder of his character from William, abbot of Ramsey, who reports him a person of great reputation and merit, and particularly distinguished for his good qualities. That he was remarkably eminent in most parts of learning. That he had gone through almost all the degrees of discipline and preferment both in the cloister and Church. That he had the character of a good governor in the successive sees

The death of Gilbert, bishop of London.

L. 3. Ep. 5.
Wharton de
Episc. Londonens. p. 68.

BALD-
WIN,
Abp. Cant.

of Hereford and London. In short, he is said to have been a very accomplished prelate; a person of great elocution, and capacity for business, and one that wanted not courage to pursue his sentiment, and maintain himself in the right. There is a commentary of his extant upon the Canticles, besides several letters published in the collection of those of archbishop Becket.

Ibid.

Chronic.
Brompton,
col. 1149.

This year, the archbishop of Canterbury made a visitation in Wales, and celebrated mass in all the cathedrals, which never had been done by any of his predecessors.

A. D. 1188.
*A crusade
undertaken
by the kings
of England
and France.*

The next year, the kings of England and France had an interview between Gisors and Trie in Normandy, attended with the prelates and temporal barons of both kingdoms. The archbishop of Tyre, who was at this conference, recommended a good understanding among Christian princes, with so much rhetorick, and preached so powerfully upon the calamities of the Holy Land, that he reconciled the two kings, and prevailed with them and their subjects, to undertake the crusade. And at this very instant, says Hoveden, the sign of the cross was seen in the sky by all the company. This miraculous appearance encouraged great numbers to the expedition. The undertaking being thus resolved, the kings took leave of each other to prepare for the service. And for a distinction of the troops of each nation, the French made use of red, the English of white, and the Flemish of green crosses.

398.

*A conven-
tion at
Mannes.*

The king of England, in order to take farther measures, convened the lords spiritual and temporal at Mannes. Here, an act was passed that all persons should pay the tenth of their respective revenues and personal estate for the assistance of the Holy Land; and the prelates denounced an excommunication against all those who gave in a wrong estimate of their circumstances, and paid short of their just proportion. The pope gave a plenary indulgence to all the clergy and laity that engaged in the crusade, upon the confession and repentance of the parties. It was likewise ordered by the king and the lords spiritual and temporal, that all the clergy and laity that served in person in the expedition, should be exempted from the payment of their tenth. There was likewise provision made against playing at dice, swearing, and expensive clothes. There was also a

liberty given to the clergy and laity to engage the profits of their lands for three years, in order to furnish them for the voyage. These and some other regulations relating to the same business, were made by the king at Mannes, his son Richard, earl of Poictou, the archbishops of Tours, Canterbury, and Rouën, the elect of Coventry, and several other prelates and temporal barons being present.

HENRY
II.
K. of Eng.

Things being thus settled in the king's dominions beyond sea, he set sail for England, and convened the lords spiritual and temporal, together with great numbers of clergy and laity of inferior quality, at Gaintington in Oxfordshire. Here he ordered the constitutions at Mannes to be publickly read. When this was done, Baldwin, archbishop of Canterbury, and Gilbert, bishop of Rochester, harangued upon the subject of the holy war, and prevailed with a great many to undertake the service. After this the king ordered the tax agreed on at Mannes to be collected in all the counties of England: and if any persons refused to pay their proportion, they were imprisoned till they gave satisfaction. The king likewise sent Hugh, bishop of Durham, with some other assistants, to William, king of Scotland, to collect the tenth-penny in that kingdom. But that prince not relishing their commission, met them upon the borders, and stopped their journey. However, not to disgust his sovereign, the king of England, he offered him five thousand marks in lieu of the tenths, and for the restitution of his castles; but king Henry refused the proposal.

Hoveden,
fol. 365,
366.

Another at
Gaintinton
or Goding-
ton.

Ibid.

This year, William, king of Scotland, sent an embassy to pope Clement III., who granted him a bull to put the Church of Scotland under the immediate protection of the see of Rome. The design of this privilege, though not expressly mentioned, was to make the hierarchy of Scotland independent of the Church of England, and exempt them from the ancient jurisdiction of the see of York. The see of Gallaway, or Whithern, is omitted in the pope's recital of the Scottish bishopricks, from whence we may conclude, it was still to continue part of the province of York.

The pope's
bull of ex-
emption to
the Church
of Scotland.

See Re-
cords, num.
29.

The king of England, disquieted with the rebellion of his sons, and the perfidiousness of the king of France, fell into a fever, and died at Chinon in Touraine, in the five-and-thirtieth year of his reign. When he lay upon his death-

July 6th,
the death of
king Henry.

BALD-
WIN,
Abp. Cant.

A. D. 1189.
Communi-
onem cor-
poris et
sanguinis
Domini de-
vote susce-
pit. Hove-
den, fol.
372.

*His charac-
ter.*

Nubrigens.
l. 3. c. 25.
Brompton,
Chronic.
col. 1151,
1152.
399.

Hoveden,
fol. 358.
383.

bed, he desired to see a list of the nobility, who had deserted from him to the king of France and earl Richard. Upon the sight of the paper, he found his favourite son John at the head of the revolters. This unexpected discovery threw him off his temper, and provoked him to lay the curse of God upon his sons: which severe wish the bishops and monks could never prevail with him to retract. When he perceived his last agony approaching, he ordered himself to be carried into the church, made a solemn confession to the bishops, and received absolution, and the holy eucharist. He was buried in the nunnery of Font-Everault in Anjou.

As to his character, he must be said to have had his failings; he was not just to the engagements of marriage. For when his queen Eleanor was imprisoned for concerting a conspiracy with his rebellious sons, he publicly entertained Rosamond. He is likewise said to have shewn too much favour to the Jews; and the keeping some of the bishopricks several years vacant was another indefensible action. But here his good qualities ought not to be forgotten: he took orphans, widows, and poor people, particularly into his protection. He made a provision for those that were wrecked, commanded they should be hospitably received, and punished those severely who outraged them, or seized their goods. He was of a very peaceable disposition, had a just value for the lives of his subjects, and never exposed them to the hazards of war, without absolute necessity. And as for ecclesiasticks, he was very tender of their interest after the murder of archbishop Becket. For he preserved the privileges of their character in every respect, and never laid any tax upon them on any pretence whatsoever. As for the tenth-penny, collected for the holy war, that contribution was levied by their own consent. This prince's dominions were much larger than any of his predecessors; for, not to mention his sovereignty in Scotland, the submission of the Welsh, and the conquest of Ireland: not to mention this, I say, he had a great many noble territories upon the continent of France: for, besides several inland provinces, all the maritime part of the country, from Picardy to Bayonne, belonged to him.

Richard, earl of Poictou, eldest son living, to king Henry;

after the solemnity of his father's funeral, came to Rouën, in Normandy, and was girt with the sword of the duchy by Walter, the archbishop. From hence, after having received the homage of the Normans, he went to Barfleur, and embarked for England, and was crowned at Westminster, by Baldwin, archbishop of Canterbury, upon the 3rd of September. At the coronation the king took an oath to protect the Church in her estates, and continue the customary privileges and regards to the clergy. After the solemnity at church was over, the archbishops and bishops attended the king to his palace, and dined with him at his table. While the king was at dinner, some of the principal Jews came to make him a present. But there being a proclamation the day before, to forbid the Jews coming to court at the coronation, the mob took the opportunity to fall upon them; and thus, after they had outraged them and rifled their pockets, they drove them out of the palace. One Bennet, a famous Jew, of York, being hard pursued and wounded, pretended to turn Christian, was baptized, and saved his life. When the citizens of London heard how the Jews were treated at Westminster, they were resolved to follow the precedent, and seize the advantage of the juncture. And thus, when they had made themselves strong enough, they assaulted the Jews, burnt their houses, and killed several of them; for which some of the ringleaders were hanged the next day.

RICH-
ARD,
K. of Eng.
*King Rich-
ard's coro-
nation.*

Hoveden,
fol. 873,
874.

This prince was so sensible of his misbehaviour against his father, that he refused to countenance any that had assisted him in the rebellion. Thus Hoveden tells us that he hated all the clergy and laity that had deserted to him from his father, and would not admit them to any degree of favour or familiarity. But those who had been firm to their duty, and followed his father's fortune, he made them part of his court, rewarded their loyalty, and put them into posts of honour and trust.

*He discour-
tenances
those who
had revolted
to him from
his father.*

Id. fol. 873.

This year the king, to furnish himself for the holy war, sold a great many of his castles and manors. Among the rest of the purchasers, Hugh, bishop of Durham, bought the earldom of Northumberland, together with the manor of Sadbery, with the knight's fees belonging to it.

*The bishop
of Durham
purchases
the earldom
of Northum-
berland.*

About this time, the king came to the abbey of Pipewell,

BALD-
WIN,
Abp. Cant.

*The king
meets the
lords spiri-
tual at Pipe-
well.*

Hoveden,
fol. 375,

Ibid.

*The king
settles the
agreement
between the
archbishop
and monks
of Canter-
bury.*

Hoveden,
fol. 377.

in Northamptonshire, and convened the lords spiritual thither. Here the king gave the archbishoprick of York to Geoffrey, his natural brother. Upon this promotion, Baldwin, archbishop of Canterbury, put in his claim to consecrate the elect of York, and appealed to the determination of that case in the reign of William the Conqueror. The next day, John, elect of Whithern, was consecrated by John, archbishop of Dublin; from whence it appears that see continued under the jurisdiction of the English Church. This synod at Pipewell was held in Ember Week, in September.

The king, to supply himself farther for the expedition to Palestine, procured a bull from pope Clement III. to discharge as many of his subjects as he pleased from undertaking the crusade. This proved a very serviceable expedient, and vast sums of money were paid into the exchequer to purchase the liberty of staying at home.

This year, in November, John, cardinal of Anagnia, the pope's legate *à latere*, was sent into England, with a commission to adjust the difference between archbishop Baldwin and the monks at Canterbury. Upon his landing at Dover, he was forbidden to travel any farther without the king's order.

In the meantime the king made a progress to Canterbury, and settled an agreement between the archbishop and the convent, upon the following articles: viz., That Roger le Norris, whom the archbishop had made prior of Christ's Church, against the monks' will, should be set aside; that the chapel at Hackington should be pulled down, and that the monks of Christ's Church should make the customary profession of canonical obedience to their archbishop. The agreement was signed by the king, the queen mother, the archbishops of Rouën and Dublin, and several English bishops and abbots. When this business was over, the king sent for the cardinal legate, who, coming to the court at Canterbury, complained because the accommodation between the archbishop and the monks was made in his absence.

About this time, Geoffrey, elect of York, had an order from the king to go to Tweed and receive William, king of Scotland, and attend him to the English court. This prince

came to Canterbury in December. And here king Richard restored him the castles of Roxborough and Berwick, and discharged him and his heirs from all homage and allegiance for the kingdom of Scotland; and in lieu of this release and the delivery of the castles, William, king of Scotland, gave the king of England ten thousand marks sterling.

RICH-
ARD I.
K. of Eng.
*The king re-
signs his
sovereignty
of Scotland.*
Ibid.

At the same time, while the court was at Canterbury, Hugh, bishop of Durham, and Hubert, bishop of Salisbury, protested against archbishop Geoffrey's election, and appealed to the pope. Their objection was, because the election was made in their absence, and their privilege of voting not considered. The dean and treasurer likewise, of York, put in their appeal against Geoffrey's election, as being a person unqualified by the canons. They urged the defects of his birth; that he was born of a strumpet in adultery. To which they added that he had been guilty of murder. The legate, however, being resolved to gratify the king, overruled the plea, and confirmed the election. And soon after the complainants withdrew their appeal at the king's instance.

*A protesta-
tion against
Geoffrey's
election to
the see of
York.*

400.

And now the king, having settled his affairs in England, set sail for Normandy. He divided the administration between William Longchamp, bishop of Ely, his chancellor, and Hugh, bishop of Durham. William had the custody of the Tower of London, and the other the government of Windsor Castle. They had, likewise, the title of chief justiciaries of England. The bishop of Durham's jurisdiction was to reach from the Humber to the borders of Scotland. These two ministers proved rivals, and strove to supplant each other.

*December
11th, the
administra-
tion left in
the hands of
William,
bishop of
Ely, &c.*

Soon after Christmas, Richard, king of England, and Philip, king of France, had an interview at Rheims, where all matters were adjusted, and a league offensive and defensive signed; by virtue of this treaty they engaged to defend each other's dominions against all persons whatsoever; and that if either of them happened to die in the expedition to Jerusalem, the survivor should have the treasure and forces of the deceased prince to carry on the Holy War. The earls and barons swore never to quit their allegiance to their respective princes, nor attack them in any part of their dominions during their pilgrimage; and that the clergy might

A. D. 1190.

*A treaty
between the
kings of
France and
England.*

BALD-
WIN,
Abp. Cant.
Hoveden,
fol. 378.

contribute their share to secure the treaty, the archbishops and bishops solemnly promised to excommunicate those that should make any infraction upon the articles.

The king being desirous to fortify the bishop of Ely's authority, procured him a legatine commission for England and Scotland. Being thus promoted to the principal posts, both in Church and state, the king sent him into England, to hasten the preparations for his voyage. The chancellor, for that is the usual title of this prelate, acted to the stretch of his commission, and was very rigorous in his demands for the crown; for instance, he made every abbey and manor that held of the king to furnish a pad and a sumpter. As for those the king had joined with him in the administration, he despised their assistance, and refused to act by their advice. He engrossed the disposal of all the governments and promotions in the crown. And by virtue of his legatine character, he dealt severely with the bishopricks and abbeys. In his visitations he used to travel with such a numerous retinue, that he ruined the places where he was entertained; and a monastery could hardly recover the expense of one night's lodging in two or three years. He is likewise said to have disseized the clergy and laity of their churches, advowsons, and estates, in a very arbitrary manner.

*The bishop
of Ely grows
haughty
and mis-
manages.*

Hoveden,
fol. 368,
378.

*A miserable
slaughter of
the Jews at
York.*

This year, upon the Friday before Palm Sunday, the Jews of York, being apprehensive of rugged usage, prevailed with the governor of the tower, and the high sheriff, to retire into that fortification. Afterwards, when the fort was demanded, the Jews refused to deliver it; upon this, the people of the town and neighbourhood, by the order of the high sheriff and constable of the castle, drew up in a body, and attacked the fort. At last the Jews offered a great sum of money to go off with their lives; but they had been obstinate so long, that now the people refused to give them quarter. These circumstances of desperation made one of the rabbies propose the killing of themselves, rather than fall into the hands of the enemy. This motion was unanimously agreed to, their number being about five hundred, beside women and children. Their method in putting their tragical resolve in execution was this: every master of a family cut his wife and children's throats first, then dispatched his servants, and concluded with the slaughter of

himself. In the meantime, the Christians burned and plundered the Jews' houses, and thus all of that nation in York were destroyed. After Easter, William, bishop of Ely, the chancellor, came down to York with a great force, and ordered all those to be apprehended who had assaulted the Jews; and being informed that the constable of the tower, and the high sheriff, gave order for the assault, he turned them both out of their office; and, by virtue of his legatine character, he suspended the chapter of York, and put the Church under an interdict, for refusing him the respect of a procession.

RICH-
ARD I.
K. of Eng.

The king being now prepared for the Jerusalem expedition, embarked with his forces at Marseilles, and sailing along the coasts of Italy, put into the Tiber, where the cardinal bishop of Ostia paid him the ceremony of a visit. To this prelate the king took occasion to complain of the avarice of the court of Rome, and charged the conclave with simony. It seems the pope had taken seven hundred marks for the consecration of the bishop of Mannes: fifteen hundred for the bishop of Ely's legatine commission; and large bribes of the bishop of Bordeaux to screen him from the prosecution of his clergy, and prevent his being deprived. Baldwin, archbishop of Canterbury, Hubert, bishop of Salisbury, and Ralph Glanvill, the late justiciary, did not embark with the king, but sailed in a squadron by themselves, had a good voyage, and came to the siege of Acres.

*The king
charges the
court of
Rome with
simony.*

Hoveden,
fol. 380.

When the king was at Messina, in Sicily, he was touched with remorse of conscience, and, casting himself at the feet of the prelates, confessed the scandal of his past life, and received absolution; and from that time his conduct was more religious and unexceptionable. While the king stayed at Messina, he sent for the famous Joachim, an abbot of the Cistercian order in Calabria. This Joachim had a great character for learning and piety, and foretold things to come by a spirit of prophecy, as it was commonly reported. He was likewise supposed particularly qualified to interpret the Revelations. The king heard him discourse on this mysterious book with great satisfaction: and here Joachim happening to fall upon the subject of Antichrist, told the king that he was already born in the city of Rome; and that he would afterwards seize St. Peter's chair. The king was surprised at this doc-

401.

Id. fol. 388.
Id. fol. 402.

*Abbot
Joachim's
opinion con-
cerning An-
tichrist.*

BALD-
WIN,
Abp. Cant.

*A farther
account of
the birth,
progress,
and other
circum-
stances of
Antichrist.
Gen. 49. 17.*

trine, and the archbishop of Rouën and several other prelates endeavoured to confute it. Hoveden, though somewhat at a loss to clear the question, gives the common opinion of the Church in this matter. I shall lay it before the reader. "First, as to the birth of Antichrist. It is supposed he will be a Jew by descent, and extracted from the tribe of Dan. This conjecture is founded upon the text, mentioned by Jacob, 'Dan shall be a serpent by the way, an adder in the path.' His conception will be remarkably flagitious, and his mother under possession all the time of her being with child. He will be born in the city of Babylon, and pass some part of his youth at Chorazin and Bethsaida. His education shall be formed under wizards and necromancers: these wretches shall breed him to all manner of wickedness and imposture. And for fear he should prove unpractised in any part of the mystery of iniquity, he shall always be attended with a retinue of evil spirits. Being thus qualified, it is supposed he will be able to make a figure, and draw company about him in a short time. After this advance, he will march at the head of his forces to Jerusalem, and murder all those Christians whom he cannot pervert. And now he will make an attempt to restore the Jewish religion, rebuild Solomon's temple, practise the right of circumcision, and pretend himself the Son of the most high God.

"As to the method of spreading his impostures, he will proselyte kings and princes in the first place, and carry the delusion among their subjects, by the interest and example of the court. After this, he will send his agents into all quarters of the world. To proceed; surprising miracles will be done by him: for instance, he will command fire from heaven in formidable appearances, make trees blossom and wither of a sudden; raise storms at sea, and lay them at pleasure: metamorphose animals, and alter the property and figure of things; stop the course of rivers; raise the dead; and, in short, do so many miracles, that, if it were possible, he might deceive the very elect.

"He will endeavour to propagate his delusions by all the ways that mortals can be tempted: some he will debauch with the offers of wealth; and those who are proof against money, he will attempt to bring over by prodigy and terror.

And such as refuse to yield to these pretended credentials, will be cruelly tortured to death. This will be such a time of trial and affliction as never was known before. The persecution will reach all parts of Christendom, and last three years and a half. Then the days will be shortened for the elect's sake: 'for unless the days were shortened no flesh could be saved.'

RICH-
ARD I.
K. of Eng.

"Now" as Hoveden goes on, "the apostle informs us, Anti- 2 Thea. 2 3. christ is not to appear, except there come a falling away first; *i. e.* unless the kingdoms within the Roman empire renounce that government, and revolt from the seat of sovereignty. This period," as the historian continues, "is not yet come: for though the Roman empire is in a great measure destroyed, yet as long as the monarchy of the Franks continues, who have a right to it, that government may be said to subsist in the line of those princes. Now some of our divines affirm, that in the last times, one of the kings of the Franks will make himself master of the whole Roman empire; and that he will be both the greatest, and the last prince: for after a glorious reign he will take a progress to Jerusalem; resign his sovereignty, and leave his crown and sceptre upon mount Olivet. And thus the Roman and Christian empire will be brought to a period. Immediately upon this, the man of sin, or Antichrist will appear. Then," as the historian proceeds; "that mass of wickedness, and organ of the devil, will set up his pretensions, and exalt himself above all that is called God, or that is worshipped; that is," as Hoveden paraphrases it, "he will not only challenge a superiority over the heathen deities, but blasphemously rival the blessed Trinity, '*quæ solummodo colenda et adoranda est ab omni Creatura,*' and claim the prerogative of the Supreme Being.

Idem, 389.

"And to prevent the fatal effects of an impostor thus formidably furnished, and that Antichrist may not surprise all mankind with the blaze of his miracles, the two great prophets, Enoch and Elias, shall be sent into the world, to give notice of his coming. It will be the business of these holy men to forwarn the elect: to acquaint them with the stratagems of their enemy, and fortify them for the encounter. These missionaries from heaven shall likewise apply themselves to the Jews, and convert great numbers of them. And after they have preached three years and a half, and

BALD-
WIN,
Abp. Cant.
402.

Rev. 11. 7.

Hoveden,
fol. 388,
389, 390.

*A contest
about the
election of
the bishop
of Worces-
ter.*

A. D. 1191.

executed their commission, Antichrist shall set a persecution on foot, and murder these holy men in the first place. For thus," as our historian understands it, "it is predicted in the Revelations, 'That when they shall have finished their testimony, the beast that ascends out of the bottomless pit shall make war against them, and shall overcome them and kill them.' That after the death of Enoch and Elias, and after vast numbers of Christians are forced either upon martyrdom or apostacy, Antichrist shall be cut off by a sudden, and supernatural vengeance: 'whom the Lord shall consume with the spirit of his mouth:' that is, our Saviour shall either destroy him by immediate omnipotence, or else give Michael, the archangel, a commission for that purpose: and, according to the current of tradition, Babylon will be the place of execution." How long the interval will be, between the destruction of Antichrist, and the general judgment, our historian is more modest than to determine: but is of opinion the one will not follow the other very quickly. This account, being the common opinion concerning Antichrist in Hoveden's time, I thought it might not be unacceptable to the reader⁶.

After the death of William, bishop of Worcester, Robert, archdeacon of Nottingham, was elected to that see, upon the recommendation of the king and the chancellor. Gillibert, bishop of Rochester, complained of these proceedings, told the chancellor that archbishop Baldwin, at his going away, had made him his representative, and put him into his place: and that it was well known by all people that under-

⁶ Few topics of Scripture have been more discussed, or less generally understood, than this of Antichrist. In the simplicity of Scripture prophecy, whatever opposes Christ, is Antichrist,—while Christ is the name of true divinity, Antichrist is the name of secularity, in all its forms and manifestations. No Scripture is of any private or sectarian interpretation. There have been many Antichrists, and there are still. The pope and the bishops of Rome were called on to war against Antichrist, or secularity, which, Irenæus tells us, was symbolized by *Lateinos*, or the great secular empire of Rome, which included the world in its far-sweeping domination. "The name *Lateinos*," says this excellent father, "contains the number of 666; and it is a very probable interpretation, because the last kingdom is so called, for they are Latins who now reign." But this secularity was never confined to Rome, as a specific city or state, but extended through every sphere of political operation. Let us bear this in mind, and we shall learn to appreciate, at their just value, all sectarian expositions of the Apocalypse, whether they proceed from Papalists or Protestants: we shall find a Christ and an opposing Antichrist in every ecclesiastical denomination under the sun; and we shall think less harshly of our fellow Christians, and more modestly of ourselves. The "man of sin" is perhaps rather a criminal development of human character in general, than any one man, or order of men.

stood the customs of the English Church, that no person could be elected or consecrated to any see without the concurrence of the archbishop of Canterbury. The chancellor, who was also legate, replied, that he had no intention to injure the see of Canterbury, and that the mistake should be rectified before the elect had his character completed. The prior therefore, and convent of Worcester, were forced to petition the bishop of Rochester, to confirm their election in the name of the church of Canterbury. There was afterwards a dispute about the place for the consecration. And though Robert had the pope's bull for his consecration at Westminster, yet the bishop of Rochester and the monks of Canterbury, carried their point over this authority, and the solemnity was performed in their own cathedral of Christ's Church.

RICH-
ARD I.
K. of Eng.

Chronic.
Gervas. col.
1564 et
deinc.

This year, Baldwin, archbishop of Canterbury, died at the siege of Acres or Ptolemais. At his arrival in the Holy Land, he found the affairs of the Christians in an ill condition, and the army much distressed by sickness and famine. He was not at all wanting to the cause, but endeavoured to encourage the troops both by his preaching and his purse: and by his piety and conduct, had the character of a very worthy prelate. He made Hubert, bishop of Salisbury, his executor, and ordered him to distribute his effects among the soldiers at his own discretion. His temper is said to have been so very sweet and unresenting, that it was thought his lenity and good nature might be some disadvantage to his function. He was a good divine, a general scholar, and wrote several tracts now extant. He was born at Exeter, and descended from a private undistinguished family. He sat at Canterbury almost seven years.

*The death
of Baldwin,
archbishop
of Canter-
bury.*

Diceto, col.
658.
Matt. Paris,
p. 161.
Antiquitat.
Britan. in
Baldwin.

This year, Geoffrey, elect of York, was consecrated by the archbishop of Tours, upon the pope's order. After his character was completed he embarked for England, and arrived at Dover. William, the chancellor, having notice of his coming, ordered the high sheriff of Kent to seize him. The archbishop perceiving how ruggedly he was likely to be entertained, took sanctuary in the church, but was quickly dragged out in an ignominious manner, and imprisoned in Dover castle. After a week's confinement, the bishop of London, with great difficulty, prevailed with the

*The arch-
bishop of
York out-
raged and
imprisoned
at Dover.*

Matt. Paris,
p. 163.

chancellor to discharge him. Now, as Hoveden reports the matter, the archbishop of York might thank himself for his ill treatment. For it seems he had forgotten the oath he gave his brother, the king, not to return into England till after three years, which term was not half expired. Besides, the chancellor hearing he was ready to embark, put him in mind of his engagement to the king, and forbade his coming into England. When the archbishop of York came to London, he complained to his brother John, earl of Morton, and to several of the bishops, and barons, of the ill usage. Earl John ordered the chancellor to be called to an account for the affront put on his brother, the archbishop: he was likewise to answer for seizing the bishop of Durham, and forcing him to resign the government of Windsor castle. The chancellor delaying, from time to time, to make his appearance, earl John, the archbishop of Rouën, and several other bishops and barons, sent him a peremptory summons, and appointed him a day to appear before them at Reading: but the chancellor, either distrusting his cause, or his judges; or, it may be, confiding in his strength, neither came himself, nor sent any excuse. Upon this contempt the lords spiritual and temporal, who met in a numerous assembly at Reading, moved towards London to take farther measures, and consult the city about what was to be done with the chancellor; with the chancellor, I say, who had made so much disturbance in the kingdom, and refused to abide by the law. This prelate being informed of their design, moved from Windsor and made for London with all the speed he could: but, it seems, some of the guards of earl John met him and his men upon the road: they skirmished for some time; but at last the chancellor having the worst of it retreated to London, and shut himself up in the Tower. The lords marching after him, had a meeting the next day with the city in St. Paul's churchyard. Here the chancellor was impeached upon several articles, and particularly the indignities put upon the archbishop of York, and the bishop of Durham, were urged with great aggravation. Those prelates and barons likewise who were joined with him in the administration, heightened the charge by alleging that he had refused to take them into the quorum, rendered their commission insignificant,

William, bishop of Ely, the chancellor, impeached, and turned out of the administration.

made himself sole manager, and governed all things by his own arbitrary fancy. Then the archbishop of Rouën, and William Marshall, earl of Strigul, produced the king's letters under his seal, and dated at Messina, by virtue of which they were made joint commissioners with the chancellor in the administration. That he was not to act without their concurrence in the publick affairs, and that in case he managed otherwise, he was to be turned out, and the archbishop of Rouën put in his place. It was therefore unanimously agreed by earl John, and all the lords spiritual and temporal, that the chancellor should be displaced, which was done accordingly. The archbishop of Rouën, who succeeded him, took more acceptable measures, and did nothing without the consent of the rest of the lords justices in the commission. When the chancellor was removed, he took an oath to surrender the castles in his custody, and immediately delivered up the Tower and Windsor, but not all the rest.

RICH-
ARD I.
K. of Eng.

This prelate is very much blackened by several of the monkish historians of those times : but the reader will wonder the less at the excess of their satire, when it is considered that he was no friend to the monastick order. For he had lately expelled the monks from the chapter of Coventry, and placed prebendaries in their room. And though this was done at the complaint of Hugh, bishop of the diocese, yet the blame was mostly laid upon the chancellor, and the religious would never forgive it.

Hoveden,
fol. 399.

And, notwithstanding the chancellor had gratified Hugh, bishop of Coventry, in cashiering the monks, yet this prelate afterwards brake with him, went over to the interest of John, earl of Morton, and published a strong invective against the bishop of Ely. In the first place, he reproaches him with intolerable pride: that he had made himself, in a manner, king and high priest, and grasped the supreme authority both in Church and state. That he had a numerous train of noblemen's sons in his family. That his table was furnished to a great degree of prodigality and expense: that he had preferred his obscure relations to alliances of the first quality; and that all promotions and places of profit were arbitrarily disposed of by him. That, notwithstanding the English courted him with all imaginable respect, he

Chron.
Brompt.
Col. 1222.

*The bishop
of Coventry's
invective
against the
bishop of
Ely.*

began at last to despise their submissions, and dispose of his favour to foreigners: that upon this haughty fancy he used to travel with a pompous retinue of French and Flemings; as if he designed a publick affront to the English, and to lead the nation in triumph. That he hired a parcel of flatterers, buffoons, and doggrel poets, to make panegyricks upon him, and prostitute their talent in his commendation. That himself, his harpies, and libertines, had despoiled the subjects, and exhausted the treasure of the kingdom: and that all ranks and conditions were, in a manner, plundered of all they had. That he had put the castles and strength of the kingdom into the hands of foreigners and obscure persons. After this length of invective, and a great deal more which I forbear to mention, the bishop proceeds to dilate upon the bishop of Ely's laying aside his legate's cross, and taking that of a pilgrim. That, in order to go beyond sea, he went disguised into Kent; and that, being surprised by the sea-side in a woman's habit, he was exposed to the diversion of the mob; dragged through the street into a cellar, and treated with all the circumstances of aversion and contempt. This is the substance of the bishop of Coventry's satirical harangue upon the bishop of Ely. But it is not reasonable to allow this evidence without farther examination: for he was apparently the chancellor's enemy, engaged in an opposite party, and afterwards banished by king Richard for caballing with his brother John against the government. And to do farther justice to the bishop of Ely's memory, I must not omit the apology of Petrus Blesensis, for this prelate: it is written by way of letter, to Hugh, bishop of Coventry, in which he describes the bishop of Ely as a person of great conduct, generosity, and goodnature; and that it was his probity and merit which recommended him to the king's favour, and preferred him to that honourable station. After this he reprimands the bishop of Coventry, tells him he had made it his business to ruin an innocent person, and charges him with malice and misrepresentation. Now this Petrus Blesensis is an author of character, and, as far as it appears, a man of an unblemished reputation. Besides, it is not likely he would treat a bishop with so much plain dealing and satire, had he not been tolerably supported by matter of fact. To this we may add the chancellor's reply to the articles

Hoveden,
fol. 400. et
deinc.

*Blesensis's
apology for
the bishop of
Ely.*

Hoveden,
fol. 401.

*His defence
of himself.*

above mentioned. For the removing some of the lords justices, he alleged their mismanagement in his justification: that they were a publick grievance to the nation, and that the people complained, that instead of being governed by one king, they were fallen under the oppression of several tyrants: as for his clashing with earl John, and putting some unacceptable usage upon that young prince, he excused himself by saying, that the trust reposed in him, the duty of his station, and justice to the constitution, forced him upon those measures: that it was plain, earl John had given evident signs of his intention to unsettle and alter the government: that if he had not discovered himself altogether, thus far, it was necessary to watch his motions, and disable his ambition; for fear, if the king should happen to die in his expedition, this earl should seize the crown, and dispossess Arthur, duke of Bretagne, son to Geoffrey, earl John's elder brother. As to the taxes and impositions upon the subject, he owned they were burthensome enough; but that this misfortune was wholly to be charged upon the expensiveness of the war. And, to conclude; he pleaded in general, that in the whole course of his administration he had done nothing of moment without express warrant from the king. Something more might be alleged in this prelate's vindication, but that must be postponed till a farther occasion.

RICH-
ARD I.
K. of Eng.

404.

Godwin in
Episc. Eli-
ans.
A. D. 1191.

To proceed a little with his fortune upon his removal from his station: he was now in custody; but earl John, after a week's confinement, ordered him to be discharged.

The chancellor being thus at liberty, set sail for Flanders, and from thence travelled into Normandy; but the archbishop of Rouën having sent an order into that province to treat him as an excommunicated person, he found no reception there; however, he sent his agents to the king and the pope to complain of the hardships put upon him, and that he was ready to stand his trial, and submit to the king's pleasure.

Pope Celestine III., having a good opinion of the bishop of Ely, wrote a sort of reprimanding letter to the English prelates, and positively charged them, that in case the earl of Morton should presume to seize the chancellor bishop, keep him under duress, extort any oath from him, or make any alteration in the administration settled by the king,

Hoveden,
fol. 402.

they were to excommunicate the said earl of Morton, and his party, by bell, book, and candle, and put their territories and estates under an interdict till the legate (for so he styles the bishop of Ely,) should have satisfaction, and all things were restored to the condition in which they were left by the king.

Ibid.

The English prelates take no notice of the pope's bull.

Hoveden, fol. 403.

The bishop of Ely, thus fortified, wrote from France to Hugh, bishop of Lincoln, to put the order in execution; as for earl John, he was willing to dispense with the pope's rigour for a time, in hopes of earl Morton's compliance; but, for the rest of his party, whose names are mentioned as excommunicated by the pope, he enjoins the bishop of Lincoln to publish the sentence, that all people may avoid their company; and in this list the archbishop of Rouën, the bishop of Winchester, and the bishop of Coventry are mentioned. He wrote likewise to the same purpose to the rest of the English bishops; but not one of them took any notice either of his order or the pope's. And why so? Because, as Hoveden relates, they did not own him either as chancellor or legate; but which way could they dispute his legatine commission, since the pope had expressly owned him under that character in his letter above mentioned? It is plain, therefore, these English prelates did not think themselves bound to an unlimited submission to the court of Rome, otherwise they would never have disobeyed the pope's bull in so plain and considerable an instance: indeed, nothing could have more opposition and defiance in it than their management; for the archbishop of Rouën, and the rest of the lords justices, seized the revenues of the chancellor's bishoprick for the king's use; and, after this, all the bishops, earls, and barons of England, drew up a charge against him, and sent it to the king; acquainting his highness withal, they had removed that prelate from the administration. The chancellor, to defend himself against this information, acquainted the king that unless he made a speedy return into England, his brother John would seize the government, and set the crown upon his own head.

Ibid.

Monasteries visited by the bishop of the diocese.

To proceed: Hugh, bishop of Lincoln, in his visitation of the monasteries of his diocese, came to the nunnery of Godstow, in Oxfordshire, and going into the abbey church to say his prayers, he perceived a tomb in the middle of the

choir hung with black velvet, and wax tapers round about it; the bishop inquiring who was buried there, they told him, it was Rosamond, a favourite of the late king Henry's, who, out of an affection to this lady, had been a great benefactor to their house. "She was a strumpet," says the bishop, "take her out of the church, and bury her in a place of less respect, for to pay a licentious woman such a regard is the way to destroy the force of discipline, and bring religion into contempt: let her be punished in her grave, that the disgrace upon her memory may be instructive to other women." The corpse, as the historian goes on, was removed accordingly. This was done like a man of conscience and courage: this was like a primitive bishop, who was not afraid to censure vice, though under a royal protection.

RICH-
ARD L.
K. of Eng.

*The bishop
of Lincoln
removes
Rosamond's
corpse out of
the church.*

*Ibid. fol.
405.*

Upon archbishop Baldwin's death, the king wrote from Messina to the convent of Christ's Church, and recommended William, archbishop of Montreal to their choice. The monks, after some time given them for deliberation, brought in a trifling excuse, and pretended they were not sufficiently assured of their archbishop's death. Their aim was to maintain the privilege, as they counted it, of their body, and not to be overruled by a direction from the crown.

405.

*The monks
of Canter-
bury refuse
the king's
recommen-
dation in the
choice of an
archbishop.*

Not long after, the archbishop of Rouën, the bishop of London, and other prelates, went to Canterbury to concert the election. The convent of Christ's Church being apprehensive the prelates might proceed to a choice, immediately pitched upon Reginald, bishop of Bath, dragged him into the church, and placed him in the archbishop's chair. The archbishop of Rouën, who expected to have been chosen himself, threw in some difficulties, and endeavoured to discourage the elect. But the bishop of Bath, notwithstanding his reluctance at first, was persuaded to accept the promotion. The monks of Christ's Church, for fear the election might be contested, sent immediately to the pope, and got it confirmed, and the pall delivered. But notwithstanding the great activity and expedition of the monks, the business was quickly disconcerted by another vacancy, and the archbishop died in a fortnight's time, before the pall could reach him.

December
1st.

*The death of
Reginald,
archbishop
of Canter-
bury.*

*Chronic.
Gervas.
Col. 1580.
Hoveden,
fol. 405.*

King Richard had now taken Ptolemais, raised the siege

King Richard returns from the holy war.

Matt. Paris.

Id. p. 171.
Chronic.
Brompton,
col. 1243.

He is taken prisoner by the duke of Austria, and sold to the emperor.

Matt. Paris,
172.

A. D. 1192.

The pope's letter to the English clergy.

of Joppa, and made a considerable progress in the holy war; but a mortality happening in the army, and the French troops being ready to desert upon the death of the duke of Burgundy, he began to deliberate about quitting the enterprise. That which principally determined him to this resolution was the ill news he received out of England: that his brother John designed to usurp his dominions, that he had declared himself so far as to demand an oath of allegiance of the English nobility, and that the king's castles might be put into his hands. That he had actually seized the royal revenues, and received large sums of money from the king of France to carry on the defection. The king, finding himself under a necessity of returning home, took what care he could for the security of the Holy Land, left some troops in garrison, and procured a truce for the term of three years.

Things being thus put under the best settlement the juncture would admit, the king embarked in autumn, and met with very ill weather, his fleet was dispersed, and some part of it wrecked; at last, his own ship was driven into the Adriatick gulf, where, with great difficulty, he recovered the shore between Aquileia and Venice: and designing to return home incognito through Germany, he was taken at Vienna, and sold to the emperor by the duke of Austria.

When the pope heard of the king's misfortune, and that the king of France and the earl of Morton made their advantage of the opportunity, he sent a letter to the English prelates to the following purpose:—

. He complains that the divisions among Christian princes had broken their measures, and disappointed them of success in the holy war. To prevent this ill effect for the future, he had granted them an indulgence, upon condition they would live peaceably with each other. That the bishops were to exhort them to union and good correspondence. And that in case any person should have so little regard for the common interest of Christianity, as to invade the dominions of his neighbours, he strictly charges the prelates to put the aggressor's territories under an interdict, and to excommunicate the persons, if occasion should require. And during the calamities of Palestine, he forbids the diversions of tilting and tournament; and recommends that if any

one had a mind to distinguish himself in a military way, he should go and shew his manhood against the infidels in the Holy Land.

RICH-
ARD I.
K. of Eng.

Walter, archbishop of Rouën, and the rest of the lords justices, sent the abbot of Bexley, and another of that character, to wait upon the king in Germany, and give him an account of the state of his affairs; and amongst other things they informed him of the revolt of his brother John. The king, though surprised at his ingratitude, yet did not break out into any intemperate complaint.

Hoveden,
Annal. fol.
411, 412.

The king having a good opinion of Hubert, bishop of Salisbury, who attended him in the holy war, was willing to promote him to the see of Canterbury. For this purpose he wrote to the convent of Christ's Church to proceed to an election, but without pointing much at the person, that he might not seem to press upon their privileges, or overrule the freedom of their votes. However, in a letter to the queen-mother, he sent private instructions to the bishops of the province to go to Canterbury, and make an interest for Hubert, and if they perceived they could not carry their point, to stop the election till the king's return.

Baron. An-
nal. ad An.
1192. sect.
22.

Hubert
elected
archbishop
of Canter-
bury.

The monks, who understood nothing of this secret, but imagined the king had left them entirely to their liberty, chose Hubert without scruple or opposition. Thus Gervase of Canterbury. But Hoveden, who assigns the election to the next year, reports the matter with some little variation, and tells us that Hubert, archdeacon of Canterbury, appealed to the pope, and protested against the proceedings, because the king was under duress, and the election was precipitated, and made in the absence of the suffragans of the province. But this opposition of the archdeacon was probably occasioned from his not being acquainted with the secret above mentioned. Hubert immediately upon his promotion sent his agents to Rome, and had his pall delivered.

Chronic.
Gervas. col.
1583. et
deinc.

406.

Hoveden,
fol. 444.

Chronic.
Gervas. col.
1584.

Earl John, when he heard the king his brother was taken prisoner, endeavoured to corrupt the Norman nobility; but they refused his offers, and continued loyal. Upon this refusal, he entered into a confederacy against his brother with the French king. Afterwards he embarked for England, and coming to London, pretended the king was

A. D. 1193.
Earl John's
revolt.

HUBERT, Abp. Cant. dead, and demanded the crown of the archbishop of Rouën, and the rest of the lords justices: but they abhorred the motion, and put the kingdom in a posture of defence.

The queen-mother and lords justices tax the subjects for the king's ransom.

By this time, the king had made terms with the emperor for his liberty: the matter being thus far advanced, he wrote to the queen-mother and the lords justices to raise the money, and remit it. The ministers upon the receiving this order, taxed the clergy and laity at a fourth part of their revenues for one year, and advised them to make a present out of their stock over and above. There were likewise twenty shillings levied upon every knight's fee; and the Cistercian monks, who used to be privileged from payments to the state, were forced to part with all their wool of that year; to which we may add, that all the gold and silver church plate was brought into the exchequer for the king's ransom. And yet after all, they fell short of a third part of the sum, for which the king was obliged to give hostages.

Hoveden, fol. 413.
Brompton, col. 1256.

The king sent the bishop of Ely into England to notify the agreement between him and the emperor, acquainting the lords justices in his letter, that that prelate had been very serviceable to him in managing the treaty. When he arrived, he was forced to drop all his titles of justiciary legate, and chancellor, and pretend to no other character but the king's agent.

The pope serviceable to king Richard.

To give pope Celestine his due, he interposed strongly in the king's behalf, and proved very instrumental in procuring his liberty. In his letter to the English clergy, he threatened to put all the emperor's dominions under an interdict, unless he gave the king of England a speedy discharge. He likewise menaced the king of France with the same censure, provided he did not desist in his hostilities against king Richard. The pope and conclave engaging thus heartily in the cause, made an impression upon the emperor, and disposed him to an accommodation with the king.

Hoveden, fol. 413.

A. D. 1194.
Adam of St. Edmond's, an agent of earl John's, seized.

And thus in the beginning of February the next year, the king was enlarged, and conducted by the archbishop of Cologne to Antwerp, where he went aboard, and arrived at Sandwich upon the 13th of March.

Id. fol. 418.

Some little time before the king's arrival, one Adam of

St. Edmond's, a clerk, and favourite of earl John, was sent into England, with instructions to fortify the castles of that earl against the king. At his coming to London, he paid Hubert, archbishop of Canterbury, a visit; and, sitting with him at dinner, boasted very much of the good fortune of his patron, what an interest he had with the king of France: that he had delivered several castles to him already, and was ready to declare farther in his behalf, provided he could be better assured of the strength of his party. The archbishop was very much disgusted at this discourse. But Adam being a visitor, and under the protection of his table, he was not willing to apprehend him in his own house: however, when he had taken leave, and was going to his inn, the mayor of London secured him, and seizing all his papers and commissions from earl John, delivered them to the archbishop.

RICH-
ARD I.
K. of Eng.

The next day, the archbishop convened the bishops, earls, and barons, and laid the papers before them. Upon reading the contents, it was unanimously resolved that earl John should be disseized of all his estate in England, and that siege should be laid to his castles, which was done accordingly.

The same day, Hubert, archbishop of Canterbury, Hugo, bishop of Lincoln, Richard, bishop of London, Godfrey, bishop of Winchester, with the bishops of Rochester, Worcester, Hereford, and Exeter, together with the abbots, and a great many of the clergy of the province of Canterbury, met at Westminster Abbey, and excommunicated earl John, and all those that were aiding and assisting him, unless they immediately laid down their arms, and ceased to disturb the government. After this, they drew up an appeal to the pope against William, bishop of Ely, that he might act no longer as legate in England.

An excommunication denounced by the English prelates against earl John and his party for rebellion.

Ibid.

It must not be forgotten, that at the beginning of this year there happened a dispute between the archbishop and chapter of York, about choosing the dean. The cause was brought to Rome for a final decision. But here the pope disappointed the litigants: for, it seems, he never enquired whether the right of choosing the dean lay in the archbishop or the prebendaries, but disposed of the preferment himself, with a clause, however, for the saving the right of either party. One Simon, an Italian, of Puglia, was made dean,

A dispute between the chapter and archbishop of York.

Id. fol. 417.

HUBERT, and had investiture given, by his holiness's delivering him
 {Abp. Cant.} a gold ring.

*The arch-
 bishop dis-
 counte-
 nances ap-
 peals.*

407.

The proxies of the chapter of York brought in a heavy charge against their archbishop, at the court of Rome: they informed against him as a great oppressor of his clergy: that he had broken open the church doors with a military guard: that he was frequently guilty of simony: that he spent his time in hunting and hawking, and other secular diversions: that he was remarkably negligent in the business of his function; and what we may believe was his capital offence, he had not conducted himself, with deference to the court of Rome. Instead of this, he is said to have discountenanced appeals thither, and imprisoned those who made their applications to his holiness. In short, he is charged with slighting the final decisions of the Roman see, and to have deprived those clergy of their benefices, who endeavoured to right themselves this way. Hoveden complains of these informers, and gives them an ill character, which is an argument that a great part of the charge was not true. However, the articles with reference to

Id. fol. 417. appeals, must needs have been very provoking to the court of Rome: the pope therefore, directed a commission the next year to the bishop of Lincoln, the archdeacon of Northampton, and the prior of Pontefract, to enquire judicially into the matter. And in case they found the suggestions true, to suspend the archbishop of York, provided he did not make his appearance at Rome within three months. This sentence was resolved on accordingly, notwithstanding the archbishop's agents at Rome endeavoured to excuse his absence, by alleging he was stopped by the king, and that the season was too unhealthy for such a journey.

A. D. 1194. The king, to revive his authority, after his misfortune in

*Apr. 17, the
 the king
 crowned a
 second time.*

Germany, was crowned the second time at Winchester. The bishop of Ely, notwithstanding the remonstrance against him, assisted at the solemnity, and had an honourable share in it; that he stood well at court we have no reason to question both by this circumstance and by the king's concerning himself to make this prelate and the archbishop of York friends. The king, after his coronation, set sail for Normandy, to check the incursions of the French. Soon

Id. fol. 421. after his landing, his brother John, earl of Morton, pre-

sented himself at court, and by the intercession of the queen mother, the king was reconciled to him.

RICH-
ARD I.
K. of Eng.

The English troops opened the campaign with success, recovered a great many towns; and defeated the king of France's army; of all which advantages the king gave the archbishop of Canterbury a particular account in a letter for that purpose.

Ibid. et fol.
422.

The pope, at the instance of the king, sent archbishop Hubert a legatine commission, with an express order to the archbishop of York to own him under that character. For, by the way, we are to observe, that, notwithstanding the pope's order, the commissioners had not pronounced the sentence of suspension against that prelate.

A. D. 1195.
*The arch-
bishop of
Canterbury
made legate.*

The archbishop of Canterbury, now legate and justiciary of England, took a journey to York, where he gave commissions to some of his lay officers to hold an assize, which was done accordingly. As for himself and his officials, they went into the abbey of St. Mary's, and kept a Court Christian there. Some few days after, he summoned the clergy of the diocese, and held a synod in the cathedral.

*A synod at
York.*

The canons being mostly a repetition of precedent synods, I shall only mention some few of them.

The third canon forbids priests making a contract of advantage for saying mass; but allows them only to receive what is offered at the solemnity.

The fourth determines the same number of godfathers and godmothers, in baptism, prescribed since the Reformation.

The fifth forbids deacons baptizing, giving the consecrated bread, or practising the function of a confessor, unless in cases of great necessity.

The eleventh declares against receiving bribes in ecclesiastical courts. That no person of authority in those places ought to take any fee or present for doing justice, or for the expediting or delaying a cause.

The sixteenth enjoins the parsons of parishes to excommunicate those three times a year, with the usual solemnity, who had perjured themselves in a court of justice or elsewhere; and that such as had maliciously drawn others into perjury, were to lie under the same censure. And when the criminals were touched with remorse of conscience, they

*A general
confessor for
a diocese.*

HUBERT, were to apply themselves to the archbishop, bishop, or general confessor, to have penance prescribed them. And those who deferred their repentance till their death-bed, were to be absolved on condition they were willing to submit to discipline upon their recovery.

Id. fol. 429, 430.

This year, pope Celestine excommunicated the emperor Henry V. The occasion of this censure was, because he refused to return the king of England the money he had extorted from him in his confinement.

Baron. Annal. ad An. 1195. sect. 5.

Notwithstanding this excommunication lasted the emperor's life, the prelates of the empire, and even the pope's legates attended him, in a synod at Worms, and approved his motion for carrying on the holy war.

Nubrigens. l. 5. c. 20. Baron. ad 1195. sect. 29, 30.

The death of Hugh, bishop of Durham.

His character.

408.

Angl. sacr. pars 1. p. 772, 773.

Nubrigens. l. 5. c. 8.

Hoveden, fol. 431. 433. A. D. 1196.

This year, Hugh Pudsey, bishop of Durham, king Stephen's nephew, departed this life. He was a great benefactor to the bishoprick, by buildings, purchasing estates, and ornamenting the cathedral. Geoffrey of Coldingham gives him the character of a person of good conduct and regularity; that his mind was equal to his descent, and that he was particularly careful not to sink his character or suffer in his jurisdiction; that he lived up to his station with great decency and exactness. In short, this author reports him a man of elocution and courage; that he acted with the spirit and vigour of a person nobly born; and that in his contests about Church privileges, he always came off with success. Nubrigensis gives a more diluted and disadvantageous account of him; charges him with being too much secularized in his humour; and of this he gives one instance in his buying the earldom of Northumberland; though he resigned it to the king upon his return from the holy war. He died in the two-and-fortieth year after his consecration.

The prebendaries of York continued the dispute with their archbishop, and pressed the bishop of Lincoln to execute the pope's commission, and pronounce the sentence of suspension. The bishop of Lincoln replied, that he had rather be suspended himself than bring the archbishop under so disgraceful a censure; however, upon farther application, the pope proceeded with the utmost rigour, suspended him from his function and revenues, and deprived him of all temporal, as well as spiritual jurisdiction.

The next year there happened a disturbance in London, occasioned by one William Longbard, a lawyer. This man, out of a popular and seditious humour, as Nubrigensis reports, pretended to espouse the interest of the meaner citizens; complained they were oppressed by the wealthy, and overcharged in the publick taxes. These remonstrances gained him a great reputation, and made him the favourite of the mob. Though, after all, he was a bad man, and a libertine, and charged his brother with high treason for refusing to supply his extravagance. Thus Nubrigensis.

RICH-
ARD I.
K. of Eng.
Nubrig. l. 5.
c. 18.

*A distur-
bance in
London by
William
Longbard.
Ibid.*

Archbishop Hubert, the king's justiciary, being apprehensive of a commotion, ordered this William to be taken up; but he retired with his party into Bow church, and stood upon his defence; after some time they set fire to the steeple, and forced him out; upon which he killed the first man that offered to seize him. In short, he was taken, tried, and executed, with eight of his party; as for the rest, they cast themselves upon the king's mercy, and gave security for their good behaviour. Hoveden and Matthew Paris, though the mutiny cannot be defended, give a fairer account of this William, and make him in the right for appearing in behalf of the poor. The last account of Geoffrey, archbishop of York, left him under suspension; finding therefore the interest of his agents too weak to disengage him, he took a journey to Rome himself. The pope was so prepossessed against this prelate, that it was a great while before he would see him; at last, being admitted to an audience, he stood entirely upon his justification; and when his adversaries were required to make good their charge, they shamefully declined it. Upon this, the pope, with the unanimous consent of the conclave, restored the archbishop, cleared his reputation to his province, and commanded them to treat him with all due regard.

*He is seized
by the arch-
bishop's
orders.*

Ibid.

*Hoveden,
fol. 435.*

Id. fol. 436.

*The arch-
bishop of
York goes to
Rome and
vindicates
himself.*

Hubert, archbishop of Canterbury, who besides his metropolitical character, had the jurisdiction of legate and chief justiciary, thought himself overcharged with commissions: his life being considerably advanced, made this thought work deeper upon him, and solicit the king to dismiss him from state business. The king, who was well satisfied of his capacity for the civil administration, was unwilling to grant his request; upon which, the archbishop recollecting him-

HUBERT, self, sent the king word, that if his highness thought his services of use, he was ready to submit to the fatigue, and not trouble him with any more excuses upon the score of his age ; and thus he continued in his post.

Abp. Cant.

Ibid.

The office of chief justiciary, what.

The office of chief justiciary, to throw in a word or two about it, was a station of great honour and jurisdiction. The term, if not the office, was probably introduced by William the Conqueror. The *justitiarius Angliæ*, or *capitalis Angliæ justitia*, was the first peer of England, and the principal magistrate in the civil list. For, to say no more of him, he had at that period the jurisdiction of the four highest courts in England, being Chief Justice of the King's Bench, of the Common Pleas, Chief Baron of the Exchequer, and Master of the Court of Wards. And, notwithstanding the functions of this magistrate were partly military, and he often commanded in the field, yet, when the times were anything settled, he tried causes, and always attended the king's court. But in the reign of Henry III., or rather under king John, the court of Common Pleas was taken from him, by which he lost a very considerable and gainful branch of his office. Afterwards his jurisdiction was farther clipped by Edward I. ; till at last this exorbitant power, which had sometimes created great disturbances, and been formidable to princes themselves, was split into the four jurisdictions of the courts above mentioned. And, whereas this justiciary of England used to be a nobleman, either spiritual or temporal, of great figure and interest, the king took care to set persons of lower quality upon the bench, and who were in no capacity to raise a faction in the kingdom ; so that now, though the name is still retained, there is very little of the old privileges annexed to it.

Spelman, Glossar. Archæol.

The bishop of Beauvais taken prisoner.

This year, John, earl of Morton, the king's brother, and Marchades, who headed the Brabaceni, foraged up to the town of Beauvais, and harassed the country. To prevent this ravage, Philip, bishop of the city, and several other persons of quality, drew out the burghers, and gave them battle ; but here the French were quickly defeated, and the bishop taken prisoner. This prelate made a tragical complaint to pope Celestine, that the king of England treated him very roughly, and without any regard to his character. He therefore desires the pope to interpose effectually for his

409.

enlargement, and exert the censures of the Church upon that prince.

The pope sent the bishop a reprimanding answer, told him his turning soldier was foreign to his function, and by no means to be excused; that he was not sorry the bishop met with a rebuke in so indefensible an adventure. And that he could not make use of his authority in behalf of a person who had so far misbehaved himself. However, he would write to the king by way of entreaty for him. When the king received the pope's letter, in which he styled the bishop of Beauvais, his son, he ordered that prelates' coat of mail should be carried to his holiness, and presented with this question, "*vide an tunica filii tui sit, an non?*"

RICH-
ARD I.
K. of Eng.

He is reprimanded by the pope.

Hoveden,
fol. 438.

Mat. Paris,
Hist. Angl.
p. 182.
Genesis,
37. 32.
A. D. 1197.

The king, to prevent the French breaking into Normandy, fortified Andeli, upon the Seine. This place belonging to the archbishop of Rouën, that prelate refused to give his consent that any additions of strength should be made to it. The king judging it necessary for the defence of the country, finished the fortification. Upon this, the archbishop put Normandy under an interdict, and took a journey to Rome to complain there. This, to speak softly, was carrying the point to an extravagant length. The king, to justify his proceedings, sent William, the bishop of Ely, his chancellor, the bishop of Lisieux, and Philip, elect of Durham, with a publick character to the pope. The bishop of Ely fell sick upon the way at Poitiers, and died. By this employment, we may perceive this prelate continued in the king's favour. To give him his due, he was always firm to his allegiance, and true to the crown. Though, after all, his affectation of grandeur, and straining his authority upon the subject, must be owned a disservice to his memory. This was that which made him unacceptable even to his own order, and occasioned their remonstrance against him. Upon the news of his death, the king, to shew the esteem he had for him, preferred his brother Robert to the abbacy of St. Mary's at York; and gave Eustachius his under chancellor, or master of the rolls, the bishoprick of Ely.

Hoveden,
fol. 435.

The death of William, bishop of Ely.

Hoveden,
fol. 437.

Vice cancellario suo.

This year, pope Innocent III. sent Peter a cardinal-deacon with a legatine commission into Poland. The great business of this cardinal was to suppress the marriage

The priests' marriage customary in Poland and Bohemia.

HUBERT,
Abp. Cant.

Baron. An-
nal. ad An.
1197, sect.
19.

of the clergy in that country: for, as Baronius confesses, the majority of the Polish priests were married, and lived with their wives without the least scruple. This liberty the legate was by no means, to allow; and therefore, by prosecuting matrimony with heavy penalties, he frightened the priests, and carried his point.

Ibid.

*The monks
of Christ's
Church com-
plain
against
their arch-
bishop at
Rome.*

But upon this progress into Bohemia, he found the clergy of that country of another temper, and by no means so tame and submissive: for being about to publish his constitutions against the marriage of priests, he was in danger of being outraged at Prague, had not the bishop, then duke of Bohemia, interposed for him.

Hoveden,
fol. 443.

*Secular ju-
risdiction
not incon-
sistent with
the episco-
pal charac-
ter.*
In Glossar.

To proceed; the college at Lambeth, begun by the late archbishop, was still standing, and furnished with prebendaries; neither could the monks of Christ's Church prevail with Hubert to demolish it. These monks, being apprehensive this college might prove prejudicial to their foundation, took a journey to Rome, and preferred a complaint against the archbishop. They set forth that Hubert, archbishop of Canterbury, launched out into business foreign to his character, and executed the office of chief justiciary of England. That he acted as judge in criminal causes, and was so embarrassed in secular affairs, that he disabled himself for his function. They charged him likewise with the breach of sanctuary: and that by his order, William Longbard was forced out of Bow church, dragged at a horse's tail, and executed. The pope wrote immediately to the king to dismiss the archbishop from the administration, commanding the other bishops and clergy not to engage in any secular employment.

By the way, it was the custom of these times, both among the French, English, and other nations, to choose the justiciaries above mentioned out of the clergy. And therefore the learned sir Henry Spelman, is somewhat surprised at the rigour of the canons and court of Rome. What reason could the pope have for discouraging the clergy from undertaking this office? If his holiness pretends any inconsistency between secular affairs, and the episcopal function, he argues against his own practice, and condemns himself. For if temporal jurisdiction does not agree with the

character of a bishop, with what conscience can his holiness retain the sovereignty of a great part of Italy, and govern as a temporal prince.

RICH-
ARD I.
K. of Eng.

To return to the monks of Christ's Church: their main grievance was the college at Lambeth. This, in all probability, was the reason which made them break with their archbishop, and prefer the other articles against him. They made a tragical complaint to the pope upon this head, and told him that unless a speedy course was taken, the dignity of the convent of Canterbury would be perfectly sunk, and the privileges transferred to this modern and apostate seminary. The pope was prevailed on to give them satisfaction, and sent an order to archbishop Hubert to pull down the chapel at Lambeth, which was done accordingly.

*The college
of Lambeth
demolished.
A. D. 1199.
Ibid.*

The next year was the last of king Richard's reign. The occasion of his death was this: Widomar, viscount of Limoges, happened to find a great deal of gold and silver in a field belonging to him, and sent king Richard part of it: but the king claiming the whole as sovereign of the fee, the viscount refused to comply. Upon this, he drew down his army, and besieged him in his castle of Chaluz. Here the king received a flesh wound in the arm from an arrow, which by the ignorance of the surgeons proved mortal. Having no issue, he devised his dominions to his brother John. This disposition was looked on as an injury to the right of his nephew Arthur, this Arthur being son to Geoffrey Plantagenet, duke of Bretagne, elder brother to John.

*April 6th,
the death of
king Rich-
ard.*

Id. fol. 449.

King Richard was very successful in his military undertakings. He conquered Cyprus from the Greek emperor, not to repeat the progress of his arms in Palestine already mentioned. He was a prince of incomparable valour: to give some instances; he defeated the Greek emperor's army with fifty men; conquered Cyprus by the terror of his person, and by the execution of his single charge. His exploits against the Saracens were no less surprising: at his return, he distinguished himself to the same degree of bravery against the French; and forced them to restore what they had treacherously gained from him in his absence. In short, he was as it were an army in himself, and did as great things in reality and life, as the heroes of antiquity

*Vinisauf.
c. 33. et 40.
Gale, Hist.
Anglican.
Script. vol.
2. id. p. 366.*

*Hoveden,
fol. 444. 449.*

HUBERT, performed in fiction. He died in the two-and-fortieth year of his age.
Abp. Cant.

Upon the death of king Richard, the English provinces of Anjou, Touraine, and Maine, declared for Arthur, duke of Bretagne, upon the score of his hereditary right. And Brompton affirms his interest, was considerable elsewhere, and that he was looked on as right heir to the English dominions. However, John was followed by the prevailing party; owned first in Normandy, and afterwards in England, and crowned at Westminster, by Hubert, archbishop of Canterbury.
Id. fol. 450.
Id. fol. 451.
Chronic. Brompton, col. 1281.

Upon the coronation day, the king made Hubert his chancellor, who seeming to be somewhat over-pleased with the office, Hugh Bardulph, a nobleman, told him, that had he thoroughly considered the honour of his station, and the advantage of his spiritual character, he would not have thought himself raised by his new post; "The rise," says he, "lies rather the other way; for we have heard of a chancellor that has been made archbishop, but never of an archbishop that was made chancellor."
Hoveden, Ibid.

To proceed; about this time, the famous Giraldus Cambrensis, archdeacon of St. David's, was elected by the chapter to that see, and going to Rome before his consecration, he happened to examine the pope's register, where he found a letter of pope Eugenius III. to Theobald, archbishop of Canterbury. This letter was written upon the subject of a dispute between Theobald, and Bernard, bishop of St. David's: the latter claiming the right of a metropolitanical see. Now, though pope Eugenius had pronounced in favour of Theobald in the present turn, and obliged Bernard to swear canonical obedience to him, yet his holiness had promised to give the cause a new hearing. Giraldus Cambrensis lighting upon this letter, revived the claim, challenged the bishops of Llandaff, Bangor, St. Asaph, Chester, Hereford, and Worcester for his suffragans, and refused the see of Canterbury the oath of canonical obedience. But archbishop Hubert managed the contest so powerfully against him, that he forced Giraldus to make his submission, got his election annulled, and another consecrated in his room.
A dispute between Giraldus Cambrensis and Hubert archbishop of Canterbury.
See above, ad An. 982, et An. 1115.

Hoveden, fol. 454. Gervas. Act. Pontif. Cantuar. col. 1682.

The dispute about the college at Lambeth between the monks of Christ's Church, and the archbishop was settled at last upon this footing. The archbishop was allowed to rebuild the college and chapel, though not upon the old foundation, and to furnish it with canons regular; but here he was limited both in the number of the canons, and the value of the settlement, and was farther obliged neither to make chrism, nor consecrate bishops there.

JOHN,
K. of Eng.
CENT. XIII.
A. D. 1200.

Hoveden,
fol. 458.

This year, Hubert, archbishop of Canterbury, held a national synod at Westminster, notwithstanding the prohibition of Geoffrey Fitz-Peter, earl of Essex, and chief justiciary of England. Most of the canons being much the same with those of former synods, I shall waive the repetition, and only mention what appears something new.

*A synod at
London.*

The first canon regulates the delivery of divine service, and forbids either huddling the prayers, or drawing them out to a sleepy negligence: either of these extremities in pronunciation being very unsuitable to the solemnity of the office.

The second forbids priests consecrating the holy eucharist more than once in a day, without urgent necessity.

The fourth lays down rules with reference to confession and penance, and enjoins the priests to enquire carefully into circumstances; that is, to consider the quality of the person, the nature of the crime, the time, the place, the occasion, the continuance in the fault, together with the signs of hearty regret and reformation. And that married people should never be put upon any such penance, as may probably make them suspect their justice to each other.

The eleventh declares against clandestine marriages, and that no married persons should travel beyond sea, without publishing their mutual consent.

This year, Arthur, king John's nephew, did homage to his uncle for the duchy of Bretagne and all his other territories; and by this submission he seems to have resigned his title to the crown.

Hoveden,
fol. 456.

The death of Hugh, bishop of Lincoln may conclude this year. He was born at Grenoble, was bred to learning, took the habit of a canon regular at first, and afterwards turned Carthusian. After he had been some time abbot of Witham, in Somersetshire, was chosen bishop of Lincoln

411.
*The death
of Hugh,
bishop of
Lincoln.*

HUBERT, at the recommendation of king Henry II. He was a person of extraordinary regularity and devotion, and governed with great commendation. People were terribly afraid of being excommunicated by him, because it was observed that those who lay under that censure were commonly visited by some remarkable calamity. When his corpse was brought down to Lincoln, king John, and William, king of Scotland, held up the pall. To conclude with him: he has the character of a prelate of general virtue, and unexceptionable conduct. Baronius gives him the honour of a saint, and inserts him in his Martyrology.

*Hoveden, fol. 462.
Matt. Paris, p. 202, et deinc. Godwin in Episc. Lincolnienſis.
Baron. Martyrol. Rom. Nov. 17.*

The preaching of the abbot of Flai.

About this time, one Eustachius, abbot of Flai, a monk of great learning and devotion, arrived in Kent, and preached throughout great part of the kingdom. He is said to have wrought miracles; it is certain he was much followed, made an unusual impression upon the audience, and commanded obedience wherever he went. He pressed the people to the Palestine expedition; declaimed against usury, against keeping fairs and markets, and working upon Sundays; he likewise exhorted the wealthy to have an empty dish at their table to be furnished for the relief of the poor.

Matt. Paris.

*A. D. 1201.
The canons of Lincoln insist upon their right of election.
Hoveden, fol. 464.*

The next year, there happened a dispute between the king and the prebendaries of Lincoln, about filling the vacancy of the see. The chapter insisted upon a free election, which the king would not grant, but resolved to overrule their claim, and dispose of the preferment himself.

This year, the king was crowned again, with his queen, at Canterbury, and splendidly entertained at the archbishop's palace.

The king soon after set sail for Normandy, where he gained a victory against the French at the castle of Mirabel. Arthur, duke of Bretagne, was made prisoner at this battle, and kept under guard at Falais. King John treated him in a friendly manner at first, and endeavoured to court him to his interest; but Arthur returned him an angry answer, challenged the crown, and menaced him in case he refused to resign. King John was much disturbed at this unexpected language, and sent his nephew to the castle at Rouën, where he was kept under closer confinement, and soon after he disappeared and was never heard of. The

The death of Arthur, duke of Bretagne, a great misfortune.

Matt. Paris, p. 208.

king was generally suspected to have dispatched him with his own hand. This presumption made him mortally hated by many of the great men. This likewise gave the king of France a colour for citing king John to his court to purge himself from this imputation; and, upon his declining to appear, the provinces which he held of the French king were declared forfeited; and thus, the French had a pretence to seize the English dominions upon the continent.

JOHN.
K. of Eng.

A. D. 1202.
M. West-
monas.
Flores His-
toriar. ad
An. 1202.

To return to the Church: the next year, John Scot, bishop of Dunkeld, departed this life. He was an Englishman by birth, and preferred to this see from the archdeaconry of St. Andrew's. As to his character, he was a very vigilant and conscientious governor. At this time the county of Argyle was parcel of the diocese of Dunkeld. Here, the language being only Irish, the bishop and his people could not understand each other. To remove this inconvenience, he wrote to pope Clement III. to divide the diocese and make Argyle an episcopal see. He likewise desired the pope to promote one Evaldus, his chaplain, who could speak Irish, and was otherwise well qualified, to the new bishoprick. The motives Scot gave for resigning part of his diocese were very pious and primitive; "For, how," says he, in his address to the pope, "can I make a satisfactory account to the Judge of the world at the last day if I pretend to teach those who cannot understand me? The revenues are sufficient for two bishops, if a competency will content us, and we are not prodigal of the patrimony of Christ. It is therefore, much better, to lessen the charge, and increase the number of labourers in the Lord's vineyard." The pope, upon reading the letter, was very much pleased with the bishop's probity and self-denial, granted his request both as to thing and person, and consecrated Evaldus bishop of Argyle. This erection was made in the year 1200. As for Scot, some few days before his death, he retired to the monastery of Newbottle, took the habit, and died there.

Spotswood,
Hist. of the
Church of
Scotland,
book 11, p.
98. 115.

To return to the Church of England: where the next thing worth remarking is the death of Savaricus, bishop of Bath. He was related to the emperor Henry V., and elected by the monks of Bath, without the concurrence of the prebendaries of Wells. When king Richard was

*The death of
Savaricus,
bishop of
Bath.*

HUBERT, surprised by Leopold, duke of Austria, this prelate persuaded the emperor not to consent to the king's ransom, unless he would annex the abbey of Glassenbury to Savaricus's see in exchange for the city of Bath. The king being under duress, was forced to grant the condition, and thus Savaricus removed his see to the abbey, and stiled himself bishop of Glassenbury. When king Richard was enlarged, Savaricus was one of the hostages. He was afterwards made chancellor of Burgundy; and when the emperor lay upon his death-bed, he sent him to the king of England with a discharge of the remainder of the ransom; for now, it seems, the emperor repented for taking the king at an advantage, and demanding so unconscionable a sum. After the death of the emperor, this prelate continued upon his see, died in the year 1205, and was buried at Bath.

A. D. 1205.
Hoveden,
ad. An.
1197.
Godwin de
Episc. Bathon et
Well. Angl.
Sac. p. 1.
p. 562.

412.

*Hubert,
archbishop
of Canterbury,
dies.*

This year, Hubert, archbishop of Canterbury, departed this life. This prelate was born at West Dereham, and had his education under the famous Glanville. Though he was no florid speaker, he had a great genius for business, and was very well skilled in the customs and constitution of the kingdom; and it is said that many of the useful laws made by king Richard were drawn up by Hubert's direction. He was preferred from the deanery of York to the bishoprick of Salisbury, and attended king Richard and archbishop Baldwin to the holy war; and when the king had the misfortune to be made prisoner in his return, he sent Hubert into England, where he did the crown great service, reconciled the people to the payment of the ransom, and raised the money in less than a year's time. His managing this affair with such conduct and success established him in the king's favour, and occasioned his promotion to the see of Canterbury, where he sat eleven years, and left a fair character behind him; the king seemed to receive the news of his death with too much satisfaction, and immediately seized his effects. It was thought he had an old grudge against the archbishop for his fidelity to the crown in the late reign, and for checking this prince in his ambitious designs against his brother, king Richard. Hubert, amongst other publick benefactions, founded a monastery for the Premonstratenses at West Dereham, in Norfolk, and began another for the

Gervas.
Act. Pontif.
Cantuar.
Antiquitat.
Britan.

in Hubert. Godwin in Archiepisc. Cantuar.

Cistercians at Wolverhampton. He likewise enlarged the Tower ditch, and brought the Thames round it, which was more than Longchamp, bishop of Ely, who began the project, could compass. JOHN,
K. of Eng.

Before the archbishop was buried, some of the convent of Christ's Church pitched upon one Reginald, their sub-prior; sang the hymn for the occasion; and placed him in the archiepiscopal chair at midnight. This affair was transacted with great secrecy, for fear the king should have overruled the election, and put a person upon them they did not like. The elect having taken an oath not to discover the matter, set forward towards Rome to get his title confirmed. Upon his arrival in Flanders he broke his engagement and published his promotion: but upon his coming to Rome, the pope refused to confirm him, till he was farther informed. *A double election for the see of Canterbury.*

In the meantime, he wrote a letter to the suffragans of the province, not to begin any unnecessary contest, nor encroach upon the privileges of the convent. By this letter it appears, the monks had prepossessed him with an opinion, that the bishops ought to have no interest in the election of the archbishop of Canterbury: however he does not forbid the suffragans appearing in defence of their right. Matt. Paris, et Matt. Westmister, 1205.

But the next year he decides the case in behalf of the monks. In his bull to the bishops of the province, he gives them to understand, that the matter in dispute had been brought before him, and the evidence on both sides produced. That the bishops' proxies had proved from precedents, that they had chosen three archbishops of Canterbury with the concurrence of the monks; and that the elections used to pass by the joint consent of the suffragans and convent. On the other side; the prior and convent made out, by immemorial custom, as the pope pretends, that the right of choosing the archbishop lay wholly in their society, and that they had frequently chosen their metropolitan without the suffragans of the province. Now, there being no counter-precedent, as the bull sets forth, to balance this plea, the pope determines for the convent, and charges the bishops to acquiesce, and never revive their claim to give the monks any more disturbance. Matt. Paris, p. 213.

By the way, it has been the practice of the court of Rome, Id. p. 214. to depress the rights and authority of the bishops; so that

when there happened any debates between them and the monks, the conclave generally declared for the latter.

When the monks of Christ's Church heard their sub-prior had failed in his oath, and divulged the secret, they resolved to set him aside: for, by the way, he had been chosen only by a part of the house. In pursuance of this resolution, they sent to the king to desire his leave to proceed to the choice of an archbishop. The king granted their request without clogging it with any condition. But, notwithstanding, he would not seem to overbear their freedom, or tie them to any person, he sent down some of his court clergy to make an interest for John de Grey, bishop of Norwich. The majority of the monks understanding the king's mind, and being willing to recover his favour, chose this Grey, and brought him into the cathedral with the usual solemnity. Upon which, the king put him into immediate possession of the temporalities.

M. Paris.
et West-
monast.

A. D. 1207.

This double election occasioned a long dispute, and proved very unfortunate to the kingdom. The convent being thus divided, sent their agents to Rome to solicit for their respective parties. Those that appeared in behalf of John, bishop of Norwich, argued that the election of the sub-prior was void; because it was huddled in the night, without the king's consent, or the approbation of the major, and more considerable part of the convent; whereas, the bishop of Norwich was chosen with the advantage of the customary circumstances. On the other side, the sub-prior's agent endeavoured to overthrow the second election, because, let the first be never so exceptionable, it ought to have been declared void, before they proceeded to a second.

413.

M. Paris,
ad An. 1207.
*The pope
annuls both
elections,
and forces
the monks
to choose
Langton.*

When the pope perceived the monks could not be brought to agree on the same person, he annulled both the elections: this proved a very unfortunate decision; for the king thought himself not well used in having the bishop of Norwich refused, part of the convent having given him their oath that they would choose no other. The pope, after he had declared both the elections void, recommended Stephen Langton, a cardinal priest, to the proxies of both parties. He pressed his choice upon them from the learning, capacity, and conduct of Langton; and that the promotion of a person so well qualified would be a publick service to the king-

dom. To this, the monks answered, that the election of an archbishop was not within their commission, and that ^{JOHN, K. of Eng.} they durst not undertake it without the king's consent, and a farther authority from the convent. The pope replied, that they interpreted their power in too modest a sense; that they were under no limitations from their principals; and that when elections were made at the apostolick see, it was not customary to wait for the prince's consent. He charged them therefore upon their obedience, and under the penalty of being excommunicated, to choose Langton for their archbishop. These menaces frightened the monks into a compliance, none of them, excepting one Elias de Branfield, having the courage to stand out. And thus cardinal Langton was elected at Viterbo upon the sixteenth of May, and consecrated by the pope.

The court of Rome foreseeing that the king of England would be disgusted at these proceedings, endeavoured to court him with ceremony and presents. And understanding he was a great admirer of jewels, they sent him four stone rings with a complimenting letter: one of these stones was an emerald, another a sapphire, the third a granite, and the fourth a topaz. The pope, to heighten the civility, and make the amusement work, ran out into a mystical comment upon the figure, number, and quality of the rings told him that the roundness of them was an emblem of eternity: that the stones represented the four cardinal virtues, and that there was a strong hint for constancy in the number four. It seems he thought these Pythagorean, hieroglyphical, and visionary fancies, would go a great way in the king's humour. This present being sent before the news of the election, struck the king's fancy agreeably enough: but after the design was understood, the toy was thrown aside, and the stones lost all their lustre.

Matt. Paris,
p. 222.
*The pope's
present to
the king.*

However, the pope hoping the king might be gained, sent him another ceremonious letter, in which he informed him of the election of cardinal Langton, and desired his highness to admit him to favour. He put the king in mind that Langton was not only a native of England, but likewise a person of general learning, and unexceptionable character; and that he had reason to expect a prelate so admirably qualified, would prove a blessing to the country, and a great

LANG-
TON,
Abp. Cant.

ornament to Church and state: in short, the pope made his address to the king with all the art and persuasiveness imaginable. He likewise sent a peremptory order to the prior and monks of Christ's Church, to receive Langton for their archbishop, and own him in all parts of his jurisdiction.

Id. p. 223.

*The king
expels the
monks of
Christ's
Church the
kingdom.*

But notwithstanding the flourish and courtliness of the application, the king was very angry upon reading the pope's letter, and charged the monks of Canterbury with treason. He complained, their choosing the sub-prior without his leave was an affront to his prerogative: that to make satisfaction for this presumption, they afterwards pitched upon the bishop of Norwich: that they received money out of the exchequer to defray the expense of their journey to Rome and get the latter election confirmed. That now, when they had their pockets furnished, and had given him the prospect of so fair an issue, they had basely betrayed the affair, and elected Langton his declared enemy for their archbishop.

*The reve-
nues of the
church of
Canterbury
seized.*

This unexpected turn, putting the king beyond all patience, he immediately ordered Fulco de Cantelupe, and Henry Cornhelle, two sanguinary and inhuman knights (as Matthew Paris calls them), to go down to Canterbury with a military force, and drive the traitorous monks of Christ's Church out of the kingdom, or hang them if they would not be gone. These men executed the rigour of their commission to a tittle, entered the monastery with their swords drawn, charged the convent with high treason, and commanded them in the king's name, to depart the kingdom immediately. And in case they refused to obey, they swore they would set fire to the monastery, and burn them and their cloister to ashes.

Id. p. 224.

The monks, who had not courage to stand this shock, quitted the house, and went over into Flanders, where the monasteries of the country entertained them. The king, upon their removal, ordered some of the monks of St. Augustine's to supply their place, and keep the house from looking empty. But as for the effects, Fulco seized them all for the king's use. The tenants likewise, it seems, of the archbishop and convent, were either frightened or turned out, insomuch that the farms were unoccupied, and lay fallow.

Ibid.

The king, after this revenge upon the monks of Canterbury, sent his envoys to Rome with a reprimanding letter to the pope; in which, after he had taxed his holiness with the scandalous voiding of the election of the bishop of Norwich, and overawing the monks into the choice of Langton, a person altogether unknown to the king, and one that had spent the greatest part of his time in the enemy's country in France; after this expostulatory beginning, he charges the pope with ingratitude, and wonders that his holiness and the conclave should forget how serviceable his friendship had been to that see, and that his holiness had received more acknowledgment and advantage from the kingdom of England, than from all other countries on this side the Alps; adding withal, that he resolved not to be baffled in his prerogative; that he would maintain the honour of his crown at the utmost hazard, and that he was unalterably determined never to consent to the setting aside the bishop of Norwich. In the conclusion he told the pope, that unless they gratified him in this affair, he should stop the passage of his subjects to Rome: for without this precaution, the wealth of the kingdom might probably be transported, and himself disabled against a foreign invasion. And that since England and the rest of his dominions were so well furnished with prelates of learning and sufficiency, he should, for the future be contented with their management, and not give himself the trouble of begging justice beyond sea, and making application to a foreign authority.

JOHN,
K. of Eng.
*The king's
expostula-
tory and
menacing
letter to the
pope.*

414.

Ibid.

This year, the Franciscans or Minorites appeared: their rule was drawn up by St. Francis, and afterwards confirmed by the present pope Innocent. These friars made it their business to preach in town and country, pretended to no property, and lived only upon the contributions of their audience. They went barefoot, were poorly habited, and made a great show of mortification. It seems, their popular way of preaching upon Sundays and holidays, and taking the confessions of the people, made the bishops and clergy despised, and weakened the authority of their character.

Matt. Paris,
p. 222.
Westmo-
nast. Flores.
Historiar.
ad An.
1207.

To proceed: the pope resenting the sharpness of the king's letter, wrote him an answer, in a quite different strain from his last. He tells him plainly that he had misbehaved himself in his language to the see of Rome: that he had

*The pope's
answer.*

LANG-
TON,
Abp. Cant.

A. D. 1208.

Matt. Paris,
p. 224.

*The bishops
endeavour to
persuade the
king to re-
ceive Lang-
ton.*

Matt. Paris,
p. 226.

*The king-
dom put un-
der an in-
terdict.*

outraged him for his civilities, and treated him with that disregard that no prince; upon such an occasion, had the hardiness to do. That his highness's objections against Langton were trifling and of no weight. However, he is willing to appear so fair as not to cast the cause wholly upon his own will and pleasure, but argues the point at length in behalf of Langton. At last, after some menacing strokes intermixed, he endeavours to work upon the king by milder applications, and promises, that in case of compliance, he will find out a salvo for the king's honour, and take care of his prerogative. But perceiving that the king was neither to be moved by courtship nor menacing, he sent an order to William, bishop of London, Eustachius, bishop of Ely, and Malger, bishop of Worcester, to go to the king and entreat him to receive the archbishop of Canterbury. He likewise wrote to the suffragans of that province to own Stephen for their metropolitan.

The bishops of London, Ely, and Worcester, waited on the king according to the pope's order: begged him to admit the archbishop, and give the monks leave to return; pressed him upon the topicks of conscience, honour, and interest; and put him in mind that unless his highness gave satisfaction, the kingdom would be put under an interdict. The bishops, to do them right, reported the pope's instructions with all the respect and submission imaginable. But the subject being so unacceptable, the king would not suffer them to proceed, and breaking out in a rage against the pope and cardinals, swore that if either themselves or any other person were so hardy as to interdict his dominions, he would immediately seize the estates of the Church, and send the bishops and clergy all packing to the pope; adding withal, that if any Roman was found in his dominions, he would order their eyes to be plucked out, and their noses slit, that all people might know who they were by this distinction. He likewise ordered the bishops to go out of the presence immediately, for fear of carrying some mark of infamy along with them. These prelates finding no impression could be made upon the king, ventured to execute the pope's commission the Lent following: and upon Monday in Passion Week, put the whole kingdom under an interdict. The sentence was universally obeyed.

And thus there was an intermission of divine service, and all the offices of the priesthood were discontinued. I say all the offices, excepting the baptizing of children, taking the confessions, and giving the communion to dying persons.

JOHN,
K. of Eng.

Some time before things came to this extremity, the pope wrote a letter to the English barons to persuade the king to a compliance, promising them an indulgence for using their interest. The letter concludes with strong menaces, in case things were not brought to an accommodation.

Paris, *ibid.*
Fœdera,
Conven-
tiones Li-
teræ, &c.
p. 147.

It seems, the king was not willing to break with the pope: for, upon the application of the three bishops above mentioned, he promised to receive Langton, archbishop of Canterbury, and gratify the pope in any other point which his council should think reasonable; but to qualify this offer, and prevent its being construed to a dangerous latitude, he threw in some clauses for the saving the rights and dignity of his crown: this concession was put in the form of letters patent, and signed by seven earls and three barons, above two months before the interdict.

The king makes an offer of compliance.

415.

See Re-
cords, num.
30.

The bishops thought these qualifying clauses would not pass at Rome, and that it was in the king's power to explain them to what sense he pleased; and thus, being too far in the pope's interest, they were so hardy as to publish the interdict. The censure, as was observed, took place immediately; and people brought their dead out of the towns, and buried them in ditches and highways without any funeral service; as for the three bishops, after they had executed the pope's order and given the blow, they went privately beyond sea, and so did Joceline, bishop of Bath, and Giles, bishop of Hereford.

The proposal rejected.

The king, enraged at the interdict, commanded the prelates, and those that abetted their proceedings, to depart the kingdom. He likewise ordered his sheriffs and lay officers to take the bishopricks and abbeys into their custody, and to seize the revenues of the Church; but most of the prelates had courage enough to stand the event, and refused to go out of the monasteries unless they were forced. The king's officers having no express direction to outrage any person, forbore violence. However, they laid their hands upon the issues and profits for the king's use, and allowed the ecclesiasticks but a slender maintenance

The king seizes the revenues of the bishops and clergy.

LANG-
TON,
Abp. Cant.

out of their own estates ; and though the king's displeasure did not proceed to the last rigours, yet he found out ways enough to distress them, for he ordered all their barn doors to be locked. The priests' wives were seized, and forced to pay dearly for their liberty. If any clergyman or monk was met upon the road, by any of the king's guards or officers, he was presently dismounted, plundered and abused ; neither would any magistrate do him justice upon complaint.

Matt. Paris,
p. 227.

About this time, when the court was upon the borders of Wales, the sheriff of the county sent a highwayman, bound, to the king. This man, it seems, had robbed a priest upon the road, and murdered him ; the king's pleasure was, therefore, desired concerning the malefactor : the answer was, " He has killed an enemy of mine, untie him and let him go." The king likewise ordered the relations of the archbishop and bishops who executed the interdict to be apprehended, imprisoned, and disseized of their estates. In the meantime, the three bishops who had provoked the king to these severities, and been instrumental in the confusion, got out of the reach of danger, and lived beyond sea at their ease, for which Matthew Paris gives them a hard character.

Ibid.

But here it may be observed that all the prelates and clergy were not so far overawed by the court of Rome, as to put a stop to divine service, and submit to the interdict ; and, amongst these, we may reckon the bishops of Winchester and Norwich. Now these prelates, and all others of the clergy who continued to officiate in their respective functions were quickly relieved from the general seizure, and had their temporalities and effects restored them by special writs.

See Re-
cords, num.
34.
Claus. 9.
Johannis
Regis, M. 5.

The king, being apprehensive the pope might proceed to some deeper revenge, and either excommunicate him by name, or absolve the English from their allegiance, sent down some troops to the nobility he suspected, and took hostages of them.

Ibid.

The continuance of the interdict transported the king to the utmost aversion for the Church, as appears by the following instance. A clergyman at Oxford, happened to kill a woman by chance-medley, and when he found her dead, absconded to prevent prosecution. The mayor of the city, and some of the burghers, went to search for him at his

A. D. 1209.

lodgings, and not finding him there, they seized three clergymen of his acquaintance who knew nothing of the matter, and put them in prison. Some few days after, the king ordered them to be brought out of the town, and executed. This arbitrary severity made the university break up, and about three thousand clerks retired from Oxford, and studied at Cambridge and Reading.

JOHN,
K. of Eng.

*The students retire
from Oxford.*

Ibid.

And now the pope was resolved to exert himself farther, and play more of his thunder. To this purpose, by the advice of the conclave, a dispatch was sent to the bishops of London, Ely, and Worcester, to excommunicate the king, and publish the sentence every Sunday and holiday in all cathedrals, monasteries, and collegiate churches throughout England. The design was, that by this notoriety of the sentence, the king might be avoided by everybody. These bishops, it seems, had the discretion not to come over themselves; but sent the pope's bull to the bishops in England, and to the rest of the abbots, and dignified clergy. But these men were either not so warm in the pope's service, or at least, not so well furnished with courage as to execute the order in form. However, they took care to whisper the censure in conversation, so that in a little time it reached the whole country, and was publicly known. And now the matter being the subject of discourse, Geoffrey, archdeacon of Norwich, one of the barons of the exchequer, told the rest of the board, that it was not safe for churchmen to attend the service of an excommunicated prince; and upon this, retired to Norwich without leave. When the king heard of it he sent down one Sir William Talbot with a military force to seize the archdeacon, and lay him in irons. Some few days after his imprisonment, the king ordered he should be loaded with a leaden cope. This rigorous usage, together with short allowance, sent him quickly into the other world.

*The king
excommunicated.*

Id. p. 228.

416.

Notwithstanding the king was thus carried to some indefensible excesses, he was not deserted by all the clergy. The bishops of Durham, Winchester, and Norwich, to mention no others, were firm in his service; and one Alexander Cæmentarius, a divine of figure, preached in the king's justification, and maintained his quarrel against the pope; this

*Some of the
prelates in
the king's
interest.*

LANG-
TON,
Abp. Cant.
Westmon.
ad An.
1209.

*Alexander
preaches in
defence of
the king.*

Alexander had been a divinity professor in Paris. Matthew of Westminster gives him the character of a very graceful person, and a great scholar. To mention something of his arguing in the king's behalf. He declared, the present calamity upon the country was none of the king's fault; and that the wickedness of the people had brought it down upon themselves; that the king was God Almighty's minister to punish a disorderly nation; that in such cases he had his commission "to rule them with a rod of iron, and to break them in pieces like a potter's vessel: to bind their great men in chains, and their nobles with links of iron." And as for the pope, he had nothing to do with the disposing of princes' crowns or the government of their subjects, or to dispossess any person of their property and civil rights. That the power of the keys was never designed to reach into men's estates; and that the prince of the apostles, St. Peter, had nothing but spiritual jurisdiction assigned him. Matthew Paris, though by no means pleased with this doctrine, confesses Alexander brought plausible arguments for the proof of it. Matthew of Westminster is of the same opinion with Matthew Paris, and gives Alexander hard words for his heterodoxy. From hence we may perceive how far these two historians were perverted in their principles, and perfectly subdued to the pope's supremacy; to his supremacy, I say, in its most exorbitant extent.

Ibid.

Matt. Paris,
p. 229.

Decemb.
A. D. 1209.

This Alexander was considered for his merit, and had several preferments from the crown. But his prosperity was quickly at an end; for when the pope was informed of his management, he got him ruined immediately, and reduced him to that degree of indigence, that he was forced to turn common beggar. To proceed: Hugh, archdeacon of Wells, and chancellor of England, being elected bishop of Lincoln, desired the king's leave to go beyond sea to the archbishop of Rouën for consecration. But upon his arrival in Normandy he went to Stephen, archbishop of Canterbury, made his profession of canonical obedience, and was consecrated by that prelate. When the king understood this, he seized the revenues of the bishoprick, and gave the great seal to Walter de Gray, another clergyman.

Next year the king kept his Christmas at Windsor, and

was attended with a great assembly of nobles, notwithstanding the excommunication. It seems they were afraid to do otherwise, for the king dealt hardly with those who declined to make their appearance. About this time the Jews were seized all over England, imprisoned, and cruelly handled, to make them supply the king. Some of them were tortured to that degree, that they gave up their whole estates, and promised more than they were worth, to avoid the severity of the usage.

JOHN,
K. of Eng.

*The Jews
tortured.*
A. D. 1210.

Matt. Paris,
p. 229.

June.
A. D. 1211.

The next year the king set sail for Ireland; about twenty of the petty princes of that country met him at Dublin, and recognised him for their sovereign. And now he ordered the English laws and customs to take effect in this kingdom, and commanded his judges to govern themselves by that standard. And thus, having made a very successful expedition, he returned into England in September following. Soon after his arrival he convened the clergy and religious to London, and forced them to part with a hundred thousand pounds.

*The clergy
rigorously
taxed.*

Ibid. 230.

This year the king marched with an army into Wales, brought the country to a submission, and took hostages. In the latter end of the summer he convened the baronage to Northampton. And here the pope's nuncios, Pandulphus and Durandus, the first a subdeacon, and the other a Knight Templar, had their audience. Their business was to adjust the difference between the king and the Church. The annals of the monastery of Burton sets down the conference at large, which, being somewhat remarkable, I shall give the reader part of it.

*A confer-
ence be-
tween the
king and the
pope's nun-
cios.*

The nuncios, being brought into the presence, told the king they had undertaken a long voyage at his request, and desired to know his highness's pleasure upon the premises.

The king answered, he did not know what their desire was.

They replied, that they should move him for nothing more than common right; that is, that his highness would swear to make satisfaction to holy Church; to return all the effects he had forcibly taken away from the ecclesiasticks; and that Stephen, archbishop of Canterbury, the other prelates beyond sea, and all their friends and dependents,

LANG-
TON,
Abp. Cant.

might have the liberty to return, and live peaceably in England.

Upon this, the king, looking very sternly, told them that he would discover himself wholly to them. "You may oblige me," says he, "to swear the returning whatever has been seized, and I will satisfy you. But as for that Stephen, he can never be so secured by a safe conduct, but that I will hang him as soon as he sets foot upon my dominions."

417.

The nuncios, surprised at this declaration, put the king in mind that he moved for their coming over, referred the cause to their decision, and that, if it should appear to them that he had failed in any just regards to his holy father the pope, or done any wrong to the Church, he was ready to stand to their award, to make reparation, and submit to any penance enjoined.

"You say well," says the king; "I grant his holiness is my spiritual father; that he succeeds to St. Peter's authority, and that I ought to obey him in spiritual matters: but that this submission should reach so far as to affect my temporal jurisdiction, and lessen my prerogative, I can by no means allow." The king proceeds to report, how the monks of Canterbury above mentioned had perjured themselves, and betrayed him; and that the pope had abetted their unaccountable practice. His highness urged farther, that his predecessors used to bestow archbishopricks, bishopricks, and abbeys in their bed-chamber. For instance, king Edward the Confessor, of glorious memory, gave the bishoprick of Worcester to Wulstan: and that when William the Conqueror attempted to deprive him of his see, because he did not understand French, St. Wulstan refused to return him the pastoral staff, because he had not received it from him, but carried it to king Edward's tomb; where it stuck so fast, that nobody could pull it away, but that holy bishop. To this he added, that within his own memory, his father, king Henry, had given the archbishoprick of Canterbury to St. Thomas.

Pandulphus replied, that his distinction with respect to his holiness's authority, was unsound: and that he had clogged it with too much limitation. That his highness

ought to obey the pope in temporals, as well as spirituals: JOHN,
K. of Eng.
“For,” says he, “did you not swear obedience to the pope, and to maintain the rights of the Church at your coronation?” As to the agreement between the king and the monks of Christ’s Church, and their breaking the articles at Rome, the nuncio set forth, that the pope had examined that matter to the bottom: that when his holiness had annulled the two first elections, and commanded the proxies upon a third, the fourteen monks who had promised the king to choose none but the bishop of Norwich, cast themselves at the pope’s feet, and acquainted him with the tie upon their consciences. The pope chid them for taking an oath to a temporal prince without leave from their spiritual superiors, telling them withal, they had sworn to do that, which nobody living, excepting himself, had power to perform: and, after this reprimand, he absolved them from their oath, and enjoined them penance. “Being thus at liberty,” says the nuncio, “they unanimously made choice of Langton, who was presented to your highness before his confirmation: but you were pleased to reject him, without any reason for your refusal. As for your instances from Edward the Confessor and William the Conqueror, I answer,” continues the nuncio, “that you are no successor to St. Edward, neither do you resemble him in his qualities. For he took holy Church into his protection; whereas you do nothing but harass and disturb it. Indeed, if we consider your arbitrary and oppressive administration, you may be said to succeed William the Bastard, as you call him; for both you and your Norman predecessors have made it your business to strip the Church of her privileges.

“As for your highness’s authority from the case of archbishop Becket, I answer, that your father, king Henry, only recommended him to the electors, and did by no means pretend to put him into the see by dint of prerogative. And though the matter was thus gently carried, the archbishop afterwards repented his accepting the king’s interest, and resigned the archbishoprick till the pope gave him a dispensation. After the martyrdom of this archbishop, your father, Henry, granted the monks a charter to choose their metropolitan exclusive of the bishops of the province.”

LANG-
TON,
Abp. Cant.

The king replied, that charter was binding only during his father's life, and was not to be construed to the prejudice of his successors.

Pandulphus told the king, that he had sworn to maintain the Church in all the privileges acknowledged or granted by his predecessors. After some pause, the king made a proposal to the nuncio, and offered, that on condition Langton would resign his archbishoprick, the pope might dispose of that preferment; and that he would accept of any person of his holiness's nomination. And that possibly after that, he might, at the pope's request, bestow a bishoprick upon Langton.

"It is not the custom of holy Church," says Pandulphus, "to degrade an archbishop without sufficient grounds: but when princes prove refractory and disobedient, it is her method to take them lower, and throw them out of their seat."

"You threaten high," says the king: "Do you think to get me under your feet, as you have done my nephew Otho, the emperor? For I am informed by him, you have lately chosen a new emperor."

"That's true," replies Pandulphus; "our lord the pope makes no difficulty of that matter; neither does he think your crown sits faster than another."

King. Have you anything more?

Pandulphus. From this day, we excommunicate all those that shall communicate with you.

King. Have you anything else?

418. *Pandulphus.* We absolve all the clergy and laity of your dominions, from their homage and allegiance: and give me leave to acquaint you, that two years since, your earls and barons requested the pope to discharge them from their subjection, and to give them the liberty to make war upon you.

"And farther, I must add, his holiness designs shortly to send an army into England to maintain the rights of the Church. Now, upon the arrival of these forces, we command all to repair to the pope's standard, and submit to the orders of his general." The penalty for disobedience runs high, and in general terms.

King. Have you anything more to menace?

Pandulphus. Yes; we tell you, in the name of God, that from this day forward, neither you, nor any of your heirs, JOHN,
K. of Eng. can wear the crown.

King. I was informed you were my friends, and that you would be serviceable to me at the court of Rome; but now I find things quite otherwise. But by —— had you come into my kingdom without being sent for, I should have disposed of you to a *post* you would not have liked, and made this your last mischief.

Pandulphus. We understand the language of your oath, and you might as decently have sworn you would hang us. But we call God to witness, we came into your dominions upon no other prospect than to suffer martyrdom for the Church; neither do we expect any better usage from you.

Upon this, the king ordered the sheriffs and other officers of justice to bring forth their prisoners. Some of these the king ordered to be hanged; some to have their eyes pulled out; and some had their feet and hands chopped off. The king imagined the sight of these executions might strike a terror into Pandulphus, and work him to his purpose. Among the rest of the malefactors there was a clergyman convicted of forgery; this man the king ordered to be hanged. When Pandulphus heard the sentence, he resolved to excommunicate those that should offer to lay hands on him, and went out of the presence to get a candle. The king, perceiving him thus resolute, followed him, put the criminal into the nuncio's hands, and referred him to his justice; and by this means the prisoner was discharged.

I have been the longer upon this conference to show the spirit and hardness of the court of Rome; how ruggedly they saluted princes; how boldly they held up the Hildebrandine doctrine, and to what a flaming excess they carried their encroachments upon the civil power.

Matthew Paris makes the issue of this debate somewhat different, and reports that the king was willing to grant that the archbishop and the rest of the prelates and monks that were outlawed, and beyond sea, might return and live undisturbed: but because he refused to make satisfaction for the damage they had received, and to return the effects which had been seized, the accommodation miscarried, and

Annal.
Monast.
Burton. p.
265. et
deinc.

King John's
offer refus-
ed.

Matt. Paris
p. 230.

LANG-
TON,
Abp. Cant.
*Peter, the
hermit's
prophecy.*

the pope's agents went back to France without doing anything.

A. D. 1212.

Matt. Paris,
p. 282.

Ibid.

*Archbishop
of Canter-
bury, &c.
complain at
Rome
against the
king.*

*The pope
pronounces
the king de-
posed.*

*He gives his
dominions to
the king of
France.*

During the controversy between the king and the court of Rome, there was one Peter, a hermit, who lived in Yorkshire, famous for his prophetick predictions. This man, pretending to supernatural impulses, made it his business to declare publickly that by Ascension day next ensuing there would be no king in England. When he was brought into the presence he maintained his prophecy, and desired the king to dispose of him as his highness thought fit in case the event did not answer. The king took him at his word, and ordered him to be kept in safe custody till the time was expired. The credit and confidence of this hermit did the king great disservice; for the prediction was generally as much believed as if it had been delivered from the sky. The historian adds, that the king, by debauching the wives and daughters of the great men, by illegal exactions, and other oppressive methods, lost the affections of all the nobility; insomuch that they were glad to hear the pope had discharged them from their allegiance.

Things being thus disposed for a defection, Stephen, archbishop of Canterbury, the bishops of London and Ely, took a journey to Rome, to make their complaint against the king; they declaimed strongly against the administration, told his holiness that things were brought to the last extremity, and that the Church was ready to expire without speedy assistance. The pope thought it was now high time to exert himself to the utmost, and give the last stroke; and therefore, by the advice of the conclave, he pronounced king John deposed. The difficulty was, to get the sentence executed. He conceived Philip, king of France, most proper for this purpose. He wrote to him, therefore, to undertake the service; and, to encourage the expedition, he promised him a plenary indulgence and the fee simple of the crown of England for his pains.

And to give farther strength to the cause, the pope wrote to most of the nobility and military men of figure in Europe to undertake a crusade to dethrone the king of England, to enlist themselves under the king of France, and endeavour to revenge the quarrel of the universal Church. In this letter he gives them to understand that whosoever shall

assist, either in person or fortune, towards the reducing this contumacious prince, shall be taken into the protection of the holy see, and have the same privilege as a pilgrim to Jerusalem. And to pursue the point farther, the pope sent Pandulphus into France to Langton and the other English prelates, to give them the countenance of his character, and see the pope's order put in execution.

JOHN,
K. of Eng.

Pandulphus, before he took leave of his master, asked him privately, whether, in case he found the king of England disposed to make satisfaction, his holiness would give him any commission to treat with him. Upon this the pope delivered Pandulphus a copy of articles, upon the signing of which the difference might be accommodated and the king restored.

419.

This year, John Comyn, archbishop of Dublin, departed this life. He was an Englishman, and recommended by king Henry II. to the clergy of Dublin, who chose him for their metropolitan in September, 1181: he was consecrated the March following by Lucius III. Comyn was so far in his holiness's favour as to procure a grant of privileges for his see. This bull, amongst other things, decrees that no archbishop or bishop shall hold any synod, or try any ecclesiastical causes, within the diocese of Dublin, without the archbishop's consent, unless authorized for this purpose by a special commission from the pope or his legate. Comyn was a prelate of learning, elocution, and good morals. To mention something of his benefactions, he built the large church of St. Patrick, and furnished it with thirteen prebends; he enlarged the choir of Christ's Church, and built and endowed the nunnery of Gracedieu in the county of Dublin.

Id. p. 232 et
233.

The next year, Geoffrey Plantagenet, archbishop of York, departed this life; the history relating to him has been mentioned already, and therefore I shall only add, that this archbishop, having incurred the king's displeasure by opposing a tax at the parliament at Winchester, went beyond sea, and after seven years' banishment, as Matthew Paris calls it, died there. He sat almost two-and-twenty years.

Sir James
Ware's
Commen-
tary of the
Prelates of
Ireland.

A. D. 1213.

In January, the beginning of this year, Stephen, archbishop of Canterbury, William, bishop of London, and Eustachius, bishop of Ely, came from Rome into France,

Id. Stuba.
Archiepisc.
Eborac.

LANG-
TON,
Abp. Cant.

*The king of
France pre-
pares for a
descent up-
on England.*

and published the pope's sentence against king John. Philip, king of France, was glad of the opportunity, and prepared to make a descent upon England, commanding all his barons to attend him with their tenants at Rouën, under the penalty of forfeiting their estates.

The king of England was not negligent in his defence, but raised the posse of the kingdom, and drew down his troops to the coast towns, where he suspected the French might land.

*Pandulphus
offers terms
to king
John.*

While things were thus drawing towards a decision in the field, two Knights Templars landed at Dover, and acquainted the king that Pandulphus desired to come over, and that he had proposals to make him in order to an accommodation. The king agreed to the motion, and sent Pandulphus an invitation. This nuncio, at his first audience, made a frightful representation of the juncture; he told his highness that the king of France lay at the mouth of the Seine with a formidable fleet and army, that he had an authority from the pope to seize his dominions, and that his holiness had conveyed the sovereignty of the English crown to that prince and his successors. That king Philip had given out, that most of the English nobility had sent him an invitation, and declared themselves his subjects under hand and seal. That, notwithstanding the blackness of the prospect, it was in his highness's power to dispel the cloud, and retrieve his affairs; and that, in case he was willing to make satisfaction for the injuries he had done, and stand to the decision of the Church, his holiness would recover him his crown.

Matt. Paris,
p. 234.

*The king
complies.*

By this discourse of the nuncio the king perceived himself surprisingly distressed, and that things were brought to the last extremity. The motives which determined him to a compliance were these: first, he considered he had been five years under an excommunication; this thought lay uneasy upon his conscience, and made him think himself unsafe as to the other world. Secondly, the king of France lay ready to invade him with a numerous army; and, in case he came to try his fortune in the field, he was afraid the English would desert; and that, which was thought to affect him more than all the rest, was the nearness of Ascension day, at which term, according to the prophecy of the hermit, he was to lose his kingdom. These reasons made

Id. p. 235.
A. D. 1213.

him despair of maintaining his ground against the pope; he was forced, therefore, to consent to the proposals of the nuncios, and took a solemn oath to submit to the award of the Church; and sixteen of the principal earls and barons of the kingdom were guarantees for the performance, and in case the king should happen to fail in the articles, they obliged themselves to do their utmost to force him to keep his word.

JOHN,
K. of Eng.

Upon the thirteenth of May, the Monday before Ascension day, the king and Pandulphus, with a numerous assembly of earls and barons, met at Dover, and agreed to the articles of the accommodation. They were drawn up in the form of letters patent, and sealed with the king's seal. And here the king swears to be concluded by the pope's instructions to his nuncio, in all points relating to his excommunication; to permit Stephen, archbishop of Canterbury, the other English prelates beyond sea, and their adherents, to return home, and enjoy their property, privilege, and jurisdiction, without any impeachment or disturbance. He promised, likewise, to make full restitution of whatever had been taken from any of the clergy or laity during the late misunderstandings. He likewise engaged to reverse all outlawries occasioned by the dispute above mentioned. And, provided there should arise any difference about stating the damages, that point was to be referred to the legate.

*The terms
of the ac-
commoda-
tion.*

420.

Id. p. 236.

This was the main of the articles at the first meeting. Things being thus far advanced, the king, Pandulphus, and the nobility, met two days after, upon Ascension eve, at the Templars' house, near Dover; and here, according to the conditions prescribed at Rome, the king resigned his crowns of England and Ireland to the pope. The instrument is set down at large by Matthew Paris and the Annals of Burton. By virtue of this resignation the king was to hold the kingdoms of England and Ireland of the pope, and pay him a thousand marks yearly in acknowledgment of his sovereignty. This grant is said to be made "communi consilio baronum nostrorum," by the consent of the barons. And, what was a particular mortification, the king was forced to say he was willing to submit to all this hardship; that he resigned his kingdoms by the suggestion of the holy Spirit; and that he was not driven to this compliance by the terror of the

*He resigns
his crowns
to the pope's
legate.*

*Paris, ibid.
Annales
Burton, p.
269.*

LANG-
TON,
Abp. Cant.

interdict, or out of any motive of fear, but that he was governed in this affair purely by his own free will and inclination.

Matt. Paris,
p. 237.

In earnest, this is hard language for his holiness to put upon a prince. To make him a vassal and a hypocrite at the same time, was an odd stretch of the supremacy, by which the pope became no less reprehensible than the king. This charter was signed by the archbishop of Dublin, the bishop of Norwich, eight earls, and three barons.

See Re-
cords, num.
81.

The king delivered the instrument of resignation to Pandulphus to be transmitted to Rome, and immediately after took the oath of homage publicly to the pope and his successors; the oath runs in the usual form sworn by a homager to a sovereign prince.

Chronic.
Melrose,
p. 187.

Pandulphus conducted himself with great haughtiness upon this occasion, and trampled under his feet the money which the king gave him as an earnest of his vassalage. The chronicle of Melrose relates, that the king laid his crown at Pandulphus's feet; and some report that this nuncio did not return it till five days after.

Paris, p. 237.

After Ascension was over, the king ordered Peter of Wakefield, the hermit, to be executed as a false prophet. This was thought hard measure by those who examined the prediction; they thought the hermit suffered for telling truth: for now, to speak properly, the king had sunk his title by making the pope his sovereign.

Id. p. 238.

Pandulphus, being furnished with the instruments above mentioned, set sail for France, to acquaint the archbishop of Canterbury and the rest of the exiles with the terms he had procured for them, and that now they were at liberty to go home. He likewise desired the French king to disband his army, and give over his enterprise. That, since the king of England had made the Church satisfaction, he could not attempt anything against that prince without incurring his holiness' displeasure. The king of France was highly disgusted at this discourse, and told the nuncio that he had undertaken the expedition at the pope's instance, and spent above threescore thousand pounds in his preparations: neither would he have dropped the design, nor been governed by any counter orders of his holiness, had he not been deserted by Philip, earl of Flanders; this earl, being

an ally of king John's, refused the French service, and declared against the justice of the war.

JOHN,
K. of Eng.

The king of France, thus disappointed, ordered his fleet to set sail for Flanders, and make a descent upon the country. The king of England, advertised of the earl's condition, sent him supplies immediately. These auxiliaries, discovering the French fleet on the coast of Flanders, perceived that most of the forces were gone on shore to forage; upon this they attacked their ships, took three hundred, and burnt a hundred. When the king of France understood this misfortune, he drew off his forces from Flanders, and marched home.

The king of England, informed of this defeat, ordered his troops in Flanders to march into the enemy's country; himself designing to sail into Poictou to attack the French on that side. And for this purpose he had drawn down a considerable army to Portsmouth. But here his voyage was disappointed; for the nobility refused to attend him till the excommunication was taken off.

*The nobility
refuse to at-
tend the
king till the
excommuni-
cation was
taken off.*

The king, thus distressed, sent a farther security to the archbishop of Canterbury and the other prelates beyond sea. The instrument promised them full and immediate restitution, and four-and-twenty earls and barons undertook for the performance. Upon this invitation, Stephen, archbishop of Canterbury, the bishops of London, Ely, Lincoln, and Hereford, together with all the clerks and laity concerned in the quarrel of the interdict, embarked forthwith, and, landing at Dover, waited on the king at Winchester. The king, at the sight of the archbishop and bishops, threw himself with tears at their feet, and begged them to have compassion on himself and the kingdom. The prelates, seeing the king thus surprisingly condescending and mortified, raised him with great sympathy and respect, led him to the cathedral, and absolved him in form. The king swore at the time of absolution, that he would cherish and maintain the Church and clergy to the utmost of his power; that he would revive the acceptable part of the constitution, particularly the laws of Edward the Confessor; that all his subjects should have the benefit of law and justice, and not be punished or disseized in an arbitrary manner; with some other articles not necessary to mention.

*Archbishop
Langton
and the
rest of the
prelates re-
called.*

August 26.

*They ab-
solve the
king.*

LANG-
TON,
Abp. Cant.

Things being thus adjusted, he marched to Portsmouth in order to embark for Poictou, leaving the administration to the bishop of Winchester, Geoffrey Fitz-Peter, and the archbishop of Canterbury. Thus Matthew Paris; but the records of the Tower inform us, that the government of the kingdom was left solely to the bishop of Winchester.

*The arch-
bishop of
Canterbury
persuades
the king to
stop his
march
against the
barons.*
Matt. Paris,
p. 239.
Fœdera
Conven-
tiones Li-
teræ, &c.
tom. 1. p.
181.

When the king ordered the army to embark, the barons told him, they had been so long in the field that their money was all spent, and, therefore, unless they were furnished from the exchequer, they could not follow him. The king not complying with this condition, the great men disbanded themselves, and thus the expedition into France was postponed. The king, thus deserted by his barons, levied an army to compel them to their duty. When he took the field, the archbishop waited on him at Northampton, and told him, that if his highness rejected the courts of justice, and made use of military methods, such applications would by no means agree with the oath taken by him at his absolution. The king, with an air of disgust, replied, that secular causes were none of the archbishop's business, and that he should not defer the affairs of the government upon his account. The forces marching early the next morning towards Nottingham, the archbishop followed the king, and told him with great freedom, that unless he altered his measures, and put up his sword, all those who attacked any person in a hostile manner before the interdict was taken off, should be excommunicated, excepting his highness: and thus the archbishop prevailed with the king to stop his march, and gained the barons time to appear at the king's court, and take their trial according

*He inter-
poses too
far in the
business of
the state.*

Matt. Paris, to law.
p. 240.

Towards the latter end of August, the prelates, barons, and abbots, had a meeting at London: and here the archbishop of Canterbury allowed the conventual churches and parish priests to perform divine service, provided it was pronounced in a low voice, the parishioners having the liberty to be present at it: for, by the way, we may observe, that though the king was absolved, the interdict was not taken off. At this meeting, Matthew Paris relates from common report, that the archbishop of Canterbury had a private conference with some of the great barons, and sug-

Ibid.

*An expe-
dient sug-
gested to the
barons.*

gested an expedient to recover the ancient constitution: "I have," says he, "the charter of king Henry the First by me: JOHN, K. of Eng. this instrument will direct you in your demands upon the crown, and put you in a method to retrieve your liberties." When the barons heard this charter read they were exceedingly pleased with the contents, and swore they would venture their lives in the cause when time should serve. The archbishop promised them his assistance: and thus, Id. 241. after they had entered into a sort of association, the meeting broke up.

About this time, the errors of the Albigenses began to grow more publick than formerly. It seems, they were now too strong for the discipline of the Church, and excessively profane, unless they are misrepresented. For they are said to have thrown the Gospels into the common sewer before the face of the clergy, and to have abused the communion plate. And when the western Christians undertook a crusade against them, and besieged them in Bourges, they threw the New Testament over the walls, with expressions of blasphemy and contempt. Ibid.

Thus Matthew Paris. But it is not improbable he might be misinformed about the Albigenses: for the annals of Waverley report, that they had several bishops and other clergy in their party, which had they deserved so hideous a character, one may think, would not have happened. Annal Waverlens. p. 173.

This year, the king sent sir Thomas Hardington, sir Ralph Fitz-Nicholas, and Robert, of London, clerk, on a private embassy to the king of Morocco: their commission was to make this infidel prince an offer of the kingdom of England, and that their master was willing to hold it of him, and pay a yearly acknowledgment. And more than that, they told him, the king was ready to resign his faith, as well as his dominions, and turn Mahometan. This prince, who was a person of sense and eloquence, after he had paused a little upon the proposal, gave this answer: "I have lately," says he, "perused a Greek book, written by one Paul, a learned Christian: I am very much pleased with the doctrine, history, and behaviour of this man: however, his quitting the religion he was bred in, and revolting to a new belief, does not please me: and I must tell you, your king is much to blame for his inconstancy upon this point, The king offers to turn Mahometan, &c.

LANG-
TON,
Abp. Cant.

and for discovering himself inclined to renounce the admirable institution of Christianity: God Almighty knows, that were I at liberty to choose my persuasion, Christianity should certainly be my religion." In short; Miramolin, for that was this prince's name, despised king John for making so scandalous an offer, and refused to engage with him.

Id. p. 243.
et deinc.

Id. p. 245.

This embassy, though very privately carried on, was afterwards discovered by Robert, above mentioned, in the hearing of Matthew Paris.

422.

That the king was too much swayed by interest and passion, and far from having a due regard for the Christian religion, appears by his favour to the Jews. These men, though they impoverished the subject with excessive usury, yet by paying the king a large consideration for this liberty, they were serviceable to the exchequer. Upon this view, the king granted them the privilege of a sort of high priest. The patent runs *durante vita*, to one Rabbi Jacob, of London, who, by virtue of this grant, had a superintendency over all the Jews in England conveyed to him.

See Re-
cords, num.
32.

The king being refused by the Mahometans and hampered by the English barons, applied once more to the court of Rome. And here Matthew Paris gives the pope a very hard character, charges him with excessive pride and covetousness, and that a good sum of money would bribe him to any wickedness. The king, therefore, who knew his temper, made him a large remittance, and promised a farther sum, provided his holiness would find a pretext to mortify the archbishop of Canterbury, and excommunicate the English barons.

The legate
behaves in
an arbitra-
ry manner.

The pope, not unmindful of the English affairs, dispatched his legate Nicholas, bishop of Tusculum, to king John. He arrived in England towards the latter end of this year, and receiving an enlargement of his commission for filling the vacancies, he behaved in an arbitrary manner. For, as the historian reports, not taking the advice of the archbishop, and his suffragans, he suffered himself to be swayed by the court clergy, promoted persons unqualified to sees and abbeys; and filled several parochial churches with his own favourite clerks, without applying to the patrons for their consent.

Matt. Paris,
247.

The next year, about the octaves of Epiphany, the archbishop of Canterbury convened his suffragans at Dunstable. At this meeting the legate was complained of for being too much in the court interest, and encroaching upon the liberties of the Church: his filling the sees without consulting the English prelates, was looked upon as a downright intrusion, and breach of canon. This matter being thoroughly debated, two clerks were dispatched to the legate, then at Burton-upon-Trent, to desire him in the archbishop's name, not to presume to fill up the vacancies with prelates in his province. That the stretching his legatine commission to such a length was injurious to the archbishop of Canterbury, to whom the management of those matters properly belonged. The legate, notwithstanding he knew the archbishop had appealed to the pope, took no notice of his remonstrance: however, he sent Pandulphus to Rome to prepare the pope for his purpose. This agent, according to his instructions, represented the English prelates as too stiff in their demands of damages, and blackened the archbishop of Canterbury to that degree, that the pope would not so much as hear Simon Langton, in his brother the archbishop's defence. It was thought, the pope was most strongly prepossessed to this partiality by the king's repeating his submission, and sending his holiness another resignation of his crown.

JOHN,
K. of Eng.
A. D. 1214.
*The filling
of the sees
of the pro-
vince claim-
ed by the
archbishop.*

The legate having received instructions from the pope to take off the censure, convened the bishops at Reading, and relaxed the interdict, after it had continued six years and three months.

Paris, p.
248.

This year, October the 18th, John de Gray, bishop of Norwich, departed this life. He was first archdeacon of Gloucester, and consecrated to this see by Hubert, archbishop of Canterbury, A. D. 1200. He was a prelate very learned in the common laws, well qualified for the business of the state, and always firm to the crown. King John made him lord deputy of Ireland, in which post he managed to great commendation. Afterwards the king sent him upon an embassy to Rome. He died in his return, near Poitiers in France, and lies buried in the cathedral of Norwich.

Angl. Sacr.
part 1. p.
410.
Sir James
Ware's An-
nals of the
affairs of
Ireland, p.
42.

This year the pope sent king John a return of civility for the extraordinary regard he had paid to the see of Rome.

LANG-
TON,
Abp. Cant.

The favour is a sort of exemption from the discipline of the English prelates. For the bull decrees that the king's person should not be excommunicated, or his chapel put under an interdict, without particular instructions from the apostolick see. Now, had the king's supreme ecclesiastical jurisdiction been the doctrine of these times, the pope had a very untoward way of paying his compliment. In this case the bull would have been looked on as an affront; and to what purpose should the pope then have sent it? But if the bull was thought to carry something of favour and extraordinary privilege in it, it will be hard to reconcile this precedent to sir Edward Coke's reasoning upon this argument.

Fœdera,
Conven-
tiones, &c.
tom. 1. p.
183.
Coke's Re-
ports, part
5.

*The arch-
bishop's se-
curity to the
barons for
the king.*
A. D. 1215.

Id. p. 253.

In the beginning of the next year, at Christmas, the king kept his court at Worcester; here the barons petitioned for the laws of Edward the Confessor, and other liberties mentioned in the charter of king Henry I., putting him in mind, at the same time, that he had sworn to grant them these liberties at his late absolution. The king, perceiving the barons resolved, and prepared to contest the point, promised to give them satisfaction at Easter following; and, to make them easy in the meantime, the archbishop of Canterbury, the bishop of Ely, and William Marshall, earl of Pembroke, undertook for the performance. The king, in the meantime, to secure himself against the practices of the barons, had the oaths of homage and allegiance repeated, by virtue of which the subject was to stand by him against all persons whatsoever. And, for a farther provision, he undertook the crusade on Candlemas day following. By this engagement, as has been observed already, he lay under the protection of the see of Rome.

423.

Ibid.

After Easter, the barons convening themselves at Brackley, the king sent the archbishop of Canterbury and the earl of Pembroke to require a copy of their demands. The barons gave these ministers a schedule of the old laws and usages of the kingdom, with menaces of force upon refusal. The king, when the draught was read, rejected the petition with indignation, and swore he would never be so lavish in his grants of liberty as to make himself a slave.

The barons, thus denied, gave Robert Fitz-Walter the command of their forces, and styled him the General of the

army of God and holy Church; but, notwithstanding these specious pretences, it is plain their taking up arms against the king was altogether indefensible, and a direct breach of their oaths of allegiance and homage. JOHN,
K. of Eng.

However, the revoltors growing numerous, and London falling in with the defection, the king was distressed, and obliged to come to terms. The treaty was set on foot on the 15th of June, at Runnymede, between Staines and Windsor. The king's commissioners were the archbishop of Canterbury and Dublin, the bishops of London, Winchester, Lincoln, Bath, Worcester, Coventry, and Rochester, besides several earls and barons. I mention the ecclesiastics at large, to show the loyalty of the prelates, and that the cry of liberty and property could not debauch them from their duty to the crown. At the conclusion of the debate, the king granted them two charters; the first is exactly the same with Magna Charta, passed in the succeeding reign. There is one thing remarkable in the second charter, called *Charta de Foresta*; by a clause in this charter, in case there was any failure in the articles on king John's part, it was lawful for the barons to apply to force, to make war upon the crown, to seize the king's castles, and distress him in his revenues and jurisdiction, till they had satisfaction given them. But with this proviso, that neither the king, his queen, nor his children, were to suffer any outrage; and besides, after reparation was once made, they were bound to return the administration into the king's hands, and submit as formerly, and had no liberty to depose him or set up another. Id. p. 255.

A remarkable clause in the forest charter.

Id. p. 321.

King John's first charter begins with the liberties of the Church, and sets forth that the Church of England shall have all her rights and privileges without diminution or disturbance. And here, the freedom of electing bishops is styled the most necessary and fundamental privilege of the Church of England. "Which branch of their right," says the king, "we have formerly secured to them by our charter, and procured a confirmation of it from his present holiness, pope Innocent III." Id. p. 261.

The freedom of elections of bishops secured by Magna Charta.

The charter the king refers to was passed the last year, before the war between him and the barons broke out.

And here the king, with the consent of the barons, gives

LANG-
TON,
Abp. Cant.

up his claim and interest in the election of bishops or abbots; so that, for the future, the chapters and convents had full liberty to fill their respective sees and governments of abbeys, upon a vacancy. It is true, they were obliged to petition the crown for leave to proceed to a choice; but in case they should be denied by the king or his successors, they might make their election notwithstanding.

See Re-
cords, num.
33.

Paris, p.
256.

This grant was farther confirmed in the king's first charter to the barons above mentioned; which being the same with the Magna Charta granted by his son, king Henry III., it evidently appears that the freedom of elections to bishopricks is a branch of Magna Charta, and equally guarded with the rest of the liberties of the constitution.

*The pope
annuls the
charters and
excommuni-
cates the
barons.*

The king, extremely dissatisfied with these charters to the barons, sent an embassy to Rome, to complain of the proceedings. The ambassadors set forth, that the barons had raised a rebellion, and forced the king upon unreasonable concessions, and gave him a copy of the charters above mentioned. The pope was highly disgusted with the contents, and swore by St. Peter that the English crown, of which himself was the sovereign, should not be so unhand- somely used. Upon this, he summons the cardinals, and, by the consent of the conclave, pronounces the charters void. The grounds on which he proceeded are mentioned in the bull directed to king John. Amongst other things, he takes notice that the barons had broken their oath of allegiance, and made themselves judges in their own cause, seized the king's revenue, and proceeded to acts of open hostility; that supposing the king had oppressed them, these methods were unjustifiable by the constitution.

Id. p. 266.

About the same time the pope wrote to the English barons to persuade them to resign the advantage of the charters. He tells them, these liberties were extorted by force, and gained by illegal practices. That therefore they ought to relinquish their claim, and refer themselves to the king's justice; and that himself would take care they should not be overcharged with the weight of the prerogative.

Id. p. 267.

These admonitions of the pope made no impression upon the barons, who resolved to maintain their ground. And since the king delayed to put them in possession of the articles, they took the field against him.

The pope perceiving the barons would not desist, excommunicated all those who were in arms against the crown, and commanded the archbishop and his suffragans to publish the excommunication. And to this purpose, Peter, bishop of Winchester, and Pandulphus, above mentioned, came to the archbishop of Canterbury, and acquainted him with the pope's instructions. The archbishop, now embarking for the council of Lateran, desired the matter might be respited till he could discourse with the pope; adding withal, that the censure against the barons was pronounced upon defective evidence; that for this reason he would not publish it till he had consulted the pope in person. The bishop of Winchester and Pandulphus, being authorised by the pope's bull to suspend any prelate that should refuse to publish the sentence, made use of their commission, and suspended the archbishop. This prelate submitted to the mortification, and set forward on his voyage to Rome. But as for the barons, since none of them were mentioned by name in the bull, they looked upon the instrument as void for want of due form, and took no notice of the excommunication.

JOHN,
K. of Eng.Fœdera,
Conven-
tiones Lite-
ræ, &c.

424.

Id. p. 272.

The pope, who, since the crown was resigned to him, was very careful of the prerogative, wrote to the English prelates to use their interest with the barons not to apply to any violent expedients, but address the king with respect, and make their demands in a peaceable and submissive manner. And here the pope taxes the bishops with being over passive, and conniving at the disorders of the state with too much indifference. He tells them, farther, that some of them were suspected of abetting the sedition, and giving countenance to the barons.

The pope taxes the archbishop of Canterbury with favouring the barons.

It is probable the pope aimed particularly at the archbishop of Canterbury in this reprimanding letter; for this prelate, notwithstanding his being one of the king's commissioners at Runnymede, was looked upon as a well-wisher to the barons' confederacy.

Fœdera,
Conven-
tiones, &c.
tom. 1. p.
196.

This year the general council of Lateran was held under pope Innocent III. It was opened in November, the pope having some time before sent a general summons to all prelates in Christendom; under this denomination, Matthew Paris reckons patriarchs, archbishops, bishops, archdeacons, deans, abbots, priors, Templars, and Hospitallers,

The fourth council of Lateran.

LANG-
TON,
Abp. Cant.

There were four hundred and twelve bishops at this council, of which number Langton, archbishop of Canterbury, was one; whether there were any more of the English prelates there, is not mentioned by historians; though it is probable there might be four in all, it being not unusual to send that number to the Roman synods. The great design of this meeting was to encourage the crusade, and send succours to the Christians in Palestine.

The English Church being represented at this council, I shall lay two or three of the most remarkable canons before the reader.

Ut accipia-
mus ipsi de
suo quod
accepit ipse
de nostro.
Concil. tom.
11. col. 143.

In the first chapter or canon it is plainly asserted, that the body and blood of our Saviour, in the sacrament of the altar, is truly contained under the form of bread and wine; the bread, by the divine omnipotence, being transubstantiated into his body, and the wine into his blood; that for the completing the mysterious union between Christ and his Church, we may receive his human nature, as he was pleased to take ours.

*The canon
against
heresy.*

The third canon, for the suppression of heresy, after several cautions and injunctions premised, has these words:

“Let secular powers be addressed and solicited, and, if need be, compelled by ecclesiastical censures, to take an oath to use their utmost endeavours to exterminate all hereticks out of their territories; and that, for the future, all persons, without exception, at their first promotion or accession to any spiritual or temporal jurisdiction, shall be obliged to swear to this canon.

“And if any temporal lord shall refuse to purge his country from heretical pravity, after he has been advertised and admonished by the Church so to do, he shall be excommunicated by the metropolitan and his suffragans. And in case he contemns the discipline of the Church, and refuses to make satisfaction within a year, his contumacy is to be certified to the pope, who, upon such information, shall declare his vassals or subjects absolved from their allegiance, invite the Catholics to seize the country, and enjoy it after the expulsion of the hereticks; with a proviso, however, for saving the right of the sovereign of the fee, upon condition that chief lord gives no discouragement to the enterprise, nor throws in any obstruction to prevent the execution of the canon;

the same method of discipline is likewise to be observed towards those who have no superior lords."

JOHN,
K. of Eng.

The meaning of this last clause is, that if any sovereign prince refuses to clear his dominions of heresy, he was to be excommunicated, his subjects absolved from their allegiance, and his crown transferred to any Catholic prince that could make a successful invasion. But here it must be said, that this chapter or canon is not to be found in the Mazerine copy, coeval with the council, but is transcribed from a later record.

Coneil.
Labbe et
Cossart.
tom. 11. col.
147 et deinc.

To proceed: the fourteenth canon, providing against the incontinency of clerks, declares, that those who have the liberty of marriage according to the custom of their country, ought to be punished with greater severity in case they turn libertines. From hence it appears that this council allowed the marriage of priests in countries where it was usually practised. This appears farther by the patriarch of Constantinople being present, and the Greeks joining with the council; for we cannot suppose that the Greeks, who all along allowed the marriage of priests, would countenance the passing of a canon which contradicted the practice of their own communion. Now that the Greeks were there, appears by the list of the bishops, and the Greek translation of the canons made for the service of that Church.

The mar-
riage of the
clergy al-
lowed.

425.

There were seventy of these canons in all, which being read in full council, were disliked by several of the fathers, as Matthew Paris reports. His words are these: *Facto prius ab ipso papa exhortationis sermone, recitata sunt in pleno concilio capitula septuaginta, quæ aliis placabilia, aliis videbantur onerosa.* Upon this passage the learned Du Pin affirms, that it is certain these canons were not made by the council, but by Innocent III., who presented them to the council, ready drawn up, and ordered them to be read, and that the prelates entered into no debate upon them, but that their silence was taken for approbation.

Matt. Paris,
p. 272.
Concil. tom.
11. col. 125.
et deinc.

The canons
all drawn
up by the
pope.

Du Pin's
New Eccle-
siastical
History,
cent. 13.

p. 95.
Id. De An-
tiqua Ec-
clesiæ Dis-
ciplina, p.
571 et
deinc.

The king of England's ambassadors appeared at this council, and charged Stephen, archbishop of Canterbury, with abetting the insurrection of the barons: that he refused to excommunicate them at the pope's order; for which he was suspended by the bishop of Winchester. It seems the archbishop made no defence, but only desired the suspen-

The arch-
bishop of
Canterbu-
ry's suspen-
sion con-
firmed by
the pope.

LANG-
TON,
Abp. Cant.

Paris, p.
273.

*The arch-
bishop of
York
pays dear
for his pall.*

Id. p. 274.

A. D. 1216.
*The barons
excommuni-
cated by
name.*

sion might be taken off. The pope replied, with some passion, that since he had misbehaved himself so much, both to the king of England and the see of Rome, he should take farther advice to animadvert upon him for his presumption. The pope was as good as his word; and after having debated the case with the cardinals, confirmed the suspension, and wrote to the suffragans of Canterbury, not to pay the archbishop any canonical obedience.

The prebendaries of York had some of their chapter at this council. Their business was to entreat the pope to confirm the election of Simon Langton, whom they had chosen for their archbishop. The pope replied, that he had exceptions to Langton's person, and besides, since the election was carried on contrary to his order, he was resolved to annul it. The prebendaries being ordered to proceed to a new election, chose Walter de Gray, bishop of Worcester. The pope accepted their elect, and gave him the pall; which, it seems, was purchased very dear; for, at his coming away, he gave the court of Rome security for the payment of ten thousand pounds sterling. In short, when the council broke up, the pope wrested a large sum of money from every prelate, and forced them to take it up at a high interest.

When the king understood that the barons were excommunicated, the archbishop of Canterbury suspended, his brother Simon's election voided, and Walter de Gray preferred to the see of York, he marched at the head of his troops to the monastery of St. Alban's, and obliged the chapter to notify the archbishop of Canterbury's suspension under their public seal, to all the cathedrals and religious houses in England. And now the king having two armies in the field, prevailed with the pope to make his censure more pointed and express, and to excommunicate the barons by name. The excommunication was sent to the abbot of Abingdon, the archdeacon of Poitiers, and one master Robert, official of the diocese of Norwich. These delegates, upon their receipt of the pope's bull, wrote to all the cathedrals, and conventual churches, to publish the sentence: by virtue of which, the city of London was put under an interdict. This censure, though not published in form, was quickly known all over the kingdom. However, since it was neither published by the bishops, nor regarded by the barons, the

Londoners treated it with great contempt. They said, the bull was procured upon a false suggestion, which was sufficient to make it insignificant: and besides, that the pope had no business to concern himself in secular matters: that our Saviour conveyed nothing but spiritual jurisdiction to St. Peter, and his successors. "How comes the ambition of the Romans to make so large a grasp, and reach into our island? What have these apostolick prelates to do with the direction of our arms? Certainly these men derive their claim from Constantine, and not from St. Peter. To speak plainly, their management and merits are extremely unlike those of that apostle. These people, who understand griping and simony much better than the grounds of war, will needs make themselves absolute by their spiritual authority, and domineer over the world with their excommunications!" And thus, as Matthew Paris goes on, the Londoners received the news of the pope's censure with great disregard, and rang the bells all over the city.

JOHN,
K. of Eng.

*The Londoners
slight the
pope's cen-
sure.*

Id. p. 278.

The barons, perceiving themselves likely to be overpowered by the king, sent to Philip, king of France, an offer of the kingdom for his eldest son Lewis. The king of France was too ambitious to refuse the terms. When the pope was informed of these proceedings, he sent his legate, Walo, into France, to entreat that king not to permit his son Lewis to make a descent upon England: that the pope was sovereign of that kingdom, and king John his feudatory. To this, the king of France replied, that no king could grant away his kingdom to another, without the consent of his barons: that the contrary assertion was destructive to common liberty, subversive of the constitution, and might make the nobility lose the privilege of their condition, and become slaves. In short, Lewis, afterwards Lewis VIII., embarked his forces, and landed in the Isle of Thanet. King John, who was then at Dover, drew off his forces, and retired, not thinking it advisable to hazard a battle for fear of being deserted. In a word, the country was miserably harassed by the contending parties, and the English in danger of being entirely ruined by their invitation. For, as Matthew Paris reports, the viscount de Melun, a French nobleman, who came along with Lewis into England, happened to fall sick at London. This

*The barons
invite Lewis,
the
French
king's son.*

Id. p. 280.

426.

*Lewis's de-
sign against
the English
discovered
by a French
nobleman.*

LANG-
TON,
Abp. Cant.

nobleman, when he found himself at the point of death, sent for some of the English barons, who were left to secure the town, and told them, he was sorry to find them so ignorant of their ill condition: that the ruin of their whole party was determined: that Lewis, and sixteen more of the French barons, had sworn that in case he succeeded in the enterprise, and made his way to the throne, he would punish all those Englishmen that served him in the field with perpetual banishment: that he would make them an example for their treason and rebellion against their sovereign king John, and take care the world should be no longer plagued either with themselves or any that belonged to them. And that they might not question the truth of his relation, he told them, upon his salvation, that he was one of the sixteen barons that had taken the oath. And after this discovery, he quickly expired.

Id. p. 287.

The barons, finding themselves reckoned no better than traitors by the French, and doomed to destruction by the prince they had invited to the crown, began to reflect, and think of returning to their duty. As for Lewis, he would sometimes call them traitors in a passion, which confirmed them in the belief of what the viscount of Melun had discovered.

Ibid.

*The death
of king
John.*

Id. 288.

King John having marched through the counties of Norfolk and Suffolk, came to Lynn, where he was well received; from hence passing through Marshland towards the north, his carriages were cast away in the river Ouse, or Well-stream: this misfortune happened through the ignorance of the guides, and the tide coming in too fast upon them. And thus the regalia, the king's plate, and all his treasure were lost; himself and his army escaping not without difficulty. This loss weighed heavily upon the king's spirits, and threw him into a fever, of which he died at Newark castle, a few days after. Some little time before he expired, forty of the barons sent him assurances of their submission, but he was in no condition to receive that satisfaction.

*The occasion
of the loss of
Normandy.*

The province of Normandy was entirely lost in this prince's reign. It was seized by Philip, king of France (of whom that duchy was held), upon pretence that king John murdered his nephew Arthur. That he was charged with treason, upon this head, and condemned by his peers in the

king of France's court. Upon this judgment, the territories held of the crown of France, were declared forfeited, and Normandy seized. But here Matthew Paris reports that king John had not justice done him : that he was willing to abide his trial, and answer the demands of law : that he sent Eustachius, bishop of Ely, and Hubert de Burgh, to acquaint the king of France, that he was ready to appear in his courts of justice, provided he had a safe conduct; and that this security was denied him by king Philip.

HENRY
III.
K. of Eng.

Id. p. 283,
284.

But notwithstanding his misfortunes in France, his government was very serviceable in Ireland : he made the first division of counties in that kingdom, published the laws of England, and enforced their execution, erected courts of justice, and made the standard of Irish money equal with the English. In short, he formed the government of that country in all points, upon the model of the English constitution. And particularly in the twelfth year of his reign, when he made his second voyage into Ireland, he brought with him several persons learned in the law, and other ministers of the civil list to finish the design, and make the scheme more practicable.

Davy's Re-
ports,
Epist. Ded.

King John, notwithstanding the disturbances in his reign, the disputes between him and the monks and clergy, and the provocations of the interdict, founded the abbey of Beaulieu, in Hampshire, and the monasteries of Farndon, and Halesowen, in Shropshire, besides some other benefactions of this kind. He reigned eighteen years and five months.

Paris, p.
288.
Stow,
Chron. 1.

After his death, Peter, bishop of Winchester, Joceline, bishop of Bath, and Sylvester, bishop of Worcester, with the earls and barons of the king's party, met at Gloucester, and crowned Henry, the king's eldest son, being then scarcely ten years of age. The ecclesiastical part of the solemnity was performed by the bishops of Winchester and Bath ; the next day, the king received the oaths of homage and allegiance from all the bishops, and temporal nobility. And now Walo, the legate, obliged the king to do homage to the Church of Rome, and the present pope, for the kingdoms of England and Ireland, and to pay the yearly acknowledgment of a thousand marks. Stephen, archbishop of Canterbury, though not mentioned as present, was certainly in the king's interest, and therefore it is said the

A. D. 1216.
October
28th, the
coronation
of king
Henry III.

LANG-
TON,
Abp. Cant.

Annal. Mo-
nast. Bur-
ton, p. 271.

427.

Conven-
tiones, Li-
teræ, &c.
tom. 1. p.
218, 219.

Chronic.
Mailros,
Conven-
tiones, Li-
teræ, &c.
ibid.
Spotswood,
p. 42.

two bishops of Winchester and Bath performed the ceremony by commission from that prelate.

The year after the coronation, the king wrote to the pope to acquaint him, that the regular canons of Carlisle had revolted to the king of Scotland, recognised him for their sovereign, and, at the instigation of that prince, elected an excommunicated clerk for their bishop; and that, in contempt of his holiness's authority, they had celebrated divine service in places which lay under the interdict. To give the king satisfaction, the pope orders his legate, Walo, to remove the canons, annul the election, and furnish the cathedral with a new chapter of approved loyalty. And here the pope intimates, that the archbishops of Dublin and York, the bishops of London, Winchester, Bath, and Worcester, had sent him a complaint against these rebellious canons.

By the way, we are to take notice, that Alexander, king of Scotland, together with the bishops and great men of that kingdom, were all excommunicated, and the country put under an interdict, for assisting Lewis and the English barons against king John and king Henry. During this interdict, which continued about a year, none but the white monks had liberty to officiate: but upon the peace concluded at Northampton, between England and Scotland, the king of Scotland was absolved, and the country released from the interdict.

In the beginning of this reign, Fuller, in his Church History, mentions the king's writ to the archbishop of Dublin. The case was this. One Nicholas Field sued for an estate that came to him by descent. The defendant, who was the abbot of St. Thomas, in Dublin, pleaded bastardy against him. The clearing of this point, was, by the king's judges, referred to the court Christian, where the said Nicholas produced sufficient evidence for his being legitimate; but upon the appearing of two minor daughters of the father of the said Nicholas, who moved against the proceeding to judgment, (though, if wronged, they had their remedy by a writ of right,) the archbishop of Dublin gave way to their appeals, and removed the cause to the court of Rome.

The king declares himself dissatisfied with this method of process: that it implied a distrust of justice in the king's courts; brought his jurisdiction into question, and would be

a precedent of very ill consequence. He charges him therefore, notwithstanding the appeal to the pope, to give judgment for Nicholas, and not transfer the king's prerogative to a foreign authority.

HENRY
III.
K. of Eng.

This record Fuller assigns to the year 1215, by which it is plain the reign is mistaken: for at this date king John was living, neither did his son's government commence till October, the year after; nor was the archbishop of Dublin lord justice in the reign of this king Henry, till the year 1219.

Fuller's
Ch. Hist.
book 3, p.
58. clause 8.
Henry III.
Memb. 24
in Dorso.

To proceed; after the defeat of the barons at Lincoln, and after a great part of the reinforcement from France was either sunk or taken at sea, Lewis moved for an accommodation, and desired only to make an honourable retreat into his own country. The treaty was set on foot at Staines, near the Thames, and concluded upon the following articles.

Ware de
præsul. Hi-
bern.

I. Lewis made oath, that himself, and all the rest of his forces who lay under excommunication, should abide by the judgment of holy Church, and behave themselves obediently to the pope and Church of Rome.

A. D. 1217.
September
11th.

*A treaty
between
king Henry
and Lewis.*

II. That he would immediately withdraw his foreign forces out of England, and never return with any hostile intention.

III. That he would use his utmost endeavour to persuade his father Philip to restore to king Henry all his right and jurisdiction upon the continent of France: and that if any part of the king of England's territories were detained by the king his father, he promised to return them at his own accession to the throne.

IV. He promised likewise to make immediate restitution of all those castles, and places in England, which had been seized during the present war.

King Henry, on his part, swore to grant the English all those rights and liberties which had formerly occasioned a misunderstanding between king John and his barons. That all marks and distinctions of parties should be laid aside, and that no person should suffer or be reproached for having adhered to either side.

These were the principal articles. When the treaty was finished, the excommunication was taken off, and Lewis and his adherents absolved in the usual form. But here it

Paris, p.
299.

LANG-
TON,
Abp. Cant.

*The clergy
who abetted
the barons
excluded the
benefit of
the articles.*

Ibid.

*The Domi-
nicans settle
in England.*

Canon 13.
428.

*Chronic.
Heming-
ford, p. 556.
Du Pin's
New Ec-
cles. Hist.
cent. 13. p.
157.*

must not be forgotten, that those bishops, abbots, priors, canons, and clerks, who had been any ways aiding, or abetting of Lewis and the barons, were excluded from absolution, and barred the benefit of the articles. Simon Langton, and Gervase Hobrough, were particularly marked. It seems, they had dipped themselves very deep in the rebellion, and ventured to admit Lewis and the excommunicated barons to divine service; and for this misbehaviour, the legate deprived them of all their preferments. This legate, as Matthew Paris reports, took advantage of the publick disturbances, and sent commissioners into all the counties, to enquire how the clergy had conducted themselves during the late war: and if they were found to have discovered the least signs of inclination to the barons, they were immediately turned out of their benefices. Some of the bishops likewise, and abbots, were forced to fine and compound. And by this artifice the legate preferred his favourites, and filled his pockets.

This year, the order of the Dominicans or preaching friars settled in England. Their founder was Dominick de Guzman, a Spanish gentleman. This religious, after he had preached a great while against the Albigenses, took up a resolution to establish a new order. To this purpose he attended Fulco, bishop of Toulouse, to the council of Lateran, proposed the project of his order to pope Innocent III., and petitioned for his holiness's confirmation. The pope made some scruple of satisfying his request, because of the prohibition of the Lateran council, which declared against the forming any new order. However, the pope, (if we may believe the historians of that order,) being advertised by a heavenly vision how serviceable the order of St. Dominick would prove to the Church, approved his design. And to prevent clashing with the council, he advised him to take the rule of St. Augustine, and sent him to Toulouse, to acquaint his companions with the scheme. While these things were transacting, pope Innocent died, and Honorius III. approved the order. These Dominicans are called Jacobins, from their settlement in St. James's street in Paris. When St. Dominick lay upon his death-bed in Bononia, he sent for twelve of his convent, and, amongst other things, enjoined

them voluntary poverty: leaving a terrible curse upon any person that should presume to bring in any property among them, or debauch the order with an estate.

HENRY
III.
K. of Eng.

In the year 1220, Stephen, archbishop of Canterbury, removed archbishop Becket's corpse in a very pompous manner, the king and almost all the bishops and temporal nobility being at the solemnity. The body was taken out of the marble coffin, and laid in a golden shrine, ornamented with jewels. This extraordinary respect was paid to his memory in the first year of his jubilee, as it was called, that is, fifty years after his murder.

A. D. 1220.
July 7th.

Two years afterwards, the archbishop of Canterbury convened a synod at Oxford. This synod begins with denouncing excommunications for the crimes following.

A. D. 1222.
A council at
Oxford,

In the first place, those are declared excommunicated, who maliciously injure the Church in her rights and liberties.

2ndly, Those who invade the prerogative, and disturb the peace of the kingdom, are put under the same censure.

3rdly, Those who are guilty of perjury, and subornation, are likewise excommunicated: And,

4thly, To mention no more, those who out of disaffection, favour, or mercenary views, refused to execute the king's writs against excommunicated persons, and contemned the jurisdiction of the Church, are declared excommunicated.

There are nine-and-forty canons passed in this synod, most of which have been mentioned already.

The seventh forbids the clergy either writing or dictating a dead warrant, or making part of the court, where any person is tried for his life.

The ninth obliges the parochial clergy to preach frequently, and visit the sick.

The fifteenth provides for the maintenance of vicars, and forbids the settling less than five marks a year upon them, unless in Wales, where the churches were more slenderly endowed.

By the seventeenth the bishop is obliged to administer an oath to those who come for institution, that they made no simoniacal contract for the presentation.

The eighteenth enjoins the bishop to appoint confessors in the respective archdeaconries of his diocese, to take the confessions of the rural deans and of the priests and rectors

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TON,
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of parishes. And in cathedrals, the secular canons are to make their confession to their bishop or dean, or to such persons as shall be assigned for that office by the bishop, dean, and chapter.

The nine-and-thirtieth forbids abbots, priors, and abbesses, taking any money of those who enter into the monastick state; with this proviso, that where the religious houses are poor, they are allowed to take a consideration for maintaining those they receive in clothes.

By the two-and-fortieth, monks are disabled from making their wills.

The other canons enjoining residence, guarding the revenues of the Church, regulating archidiaconal visitations, together with the habits and behaviour of the clergy, have most of them been settled by former councils, and are too long to mention.

Spelm.
Concil. vol.
11. p. 181.

*A man
burned for
misbelief
before the
statute de
heretico
comburendo.*

At this council there was a deacon presented for apostacy. This man, to gain the favour of a Jewish woman, had circumcised himself, and renounced Christianity. Upon his being convicted before the council, he was first degraded, and afterwards sentenced to the stake by the secular court, and burnt accordingly. There was likewise a peasant brought before the council, who, either out of knavery or madness, blasphemously pretended himself to be the son of God, and showed the five wounds of the cross upon his body; this impostor was sentenced by the council to be imprisoned during life, and fed only with bread and water.

Chron.
Wikes. p.
39.

Concil. tom.
11. col. 287.

*The arch-
bishop moves
for the con-
firmation of
Magna
Charta.*

The next year, the king convened the barons to London, upon the octaves of Epiphany. At this meeting, the archbishop and the rest of the nobility petitioned the king to confirm the liberties of the subject, granted by king John. To this, William Brewer, one of the king's privy council, replied, that these liberties were extorted, and therefore in equity the grant ought not to bind the crown. The archbishop, disgusted with this reply, told the baron with some warmth, that if he had any true affection for the king, he would not revive an old quarrel nor obstruct the settlement of the kingdom. The king, perceiving the archbishop disturbed, frankly confessed he had sworn the grant of those liberties, and would not fail to make his oath good. And in pursuance of this declaration, he ordered the high sheriffs

of every county to summon twelve knights or other persons of condition within the shire to make an enquiry upon oath what liberties were enjoyed by the subject in the reign of his grandfather, king Henry; and to return the king an account at the quindenues of Easter.

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K. of Eng.
429.

Upon the death of Philip, king of France, which happened about the beginning of August, king Henry sent the archbishop of Canterbury, with three other bishops, to the present king Lewis. Their business was to demand the restitution of Normandy, and some other territories in France, in pursuance of the articles sworn at Staines, when Lewis was in England; to this king Lewis answered, that he was ready to justify his claim to Normandy, &c., provided the king of England would come over, and refer the trial of his title to the French courts. He answered farther, that the king of England had made an infraction upon the treaty at Staines, by obliging the French, who were taken prisoners at Lincoln, to a high ransom.

*The arch-
bishop of
Canterbury,
&c. sent
ambassa-
dor into
France.*

Paris, p.
317.

About this time, the Albigenses set up one Bartholomew for their antipope; he resided at first in Bulgaria, Croatia, and Dalmatia, and afterwards settled in the neighbourhood of Toulouse. He consecrated several bishops, and took the administration of the Church upon him. This account, amongst other things, the bishop of Porto gives of him in a letter to the archbishop of Rouën.

*Bishops
among the
Albigenses.*

Ibid.

I mention the consecration of bishops, because a late author affirms, that the Albigenses had none but laymen among them.

This year, Simon de Apulia, bishop of Exeter, departed this life. Matthew of Westminster gives him the character of a prelate of great learning and capacity for business. The city of Exeter is said to have been divided into parishes in his time. The see, after about a year's vacancy, was filled by William Brewer, of whom more afterwards.

*Rights of
the Chris-
tian Church
asserted,
p. 220.*

In the beginning of the year 1225, the king kept his Christmas at Westminster, and was attended, according to custom, by a great assembly of the lords spiritual and temporal. In this parliament, as it may be styled, the king moved for a fifteenth of the stock and money of the kingdom. The bishops and barons, upon consultation, told the king they were ready to satisfy his demands provided he

*Godwin in
Episc. Ex-
on.
A. D. 1225.*

LANG-
TON,
Abp. Cant.
*The grant of
Magna
Charta.*

would grant them the liberties they had formerly petitioned for. The king satisfied their request, and ordered Magna Charta, and the Forest Charter, to be drawn up, sealed with the broad seal, and copies of them to be transmitted into every county.

Coke's Se-
cond Part
of Insti-
tutes, fol.
76.

Angl. Sacr.
pars 1. p.
115. Whar-
ton de
Episc. Lon-
dinens.

Scriptores
15. in præ-
fat.

Chronic.
Heming-
ford, p.
570.

Annal.
Monast.
Burton, p.
276.

A. D. 1226.
*The pope
moves for
two pre-
bends, &c.
and is dis-
appointed.*

Sir Edward Coke, in his exposition of the Magna Charta, mentions Boniface, archbishop of Canterbury, and E. bishop of London, at the head of the witnesses, by which E. must be meant Eustachius. Now, it is certain, in the first place, that Boniface and Eustachius were not contemporary prelates, the last being dead before the first was promoted to that order. Secondly, Boniface was not consecrated archbishop of Canterbury till the year 1244, which was nineteen years after the passing of Magna Charta. Sir Edward might possibly be misled by the copy of the printed statutes, where Lord, archbishop of Canterbury, is set as first witness. If we had no better authority than either of these copies, the credit of Magna Charta might be suspected, and the fundamentals of the constitution called in question: and for this reason, a considerable antiquary, hinted at by Dr. Gale, is of opinion, that neither the original, nor any exact copy of this charter was to be met with. It is true, this charter was afterwards confirmed in the twenty-first year of this king; but then Edmund, and not Boniface, was archbishop of Canterbury. But the Annals of the Monastery of Burton remove the contradictions in chronology, retrieve the credit of the record, and make Stephen, archbishop of Canterbury, sign the charter. And thus the objection in Gale vanishes, and truth and time are reconciled.

The next year, in the octaves of Epiphany, there was a synod convened at Westminster to receive some proposals from the court of Rome: and here, the nuncio Otho read his master's letter in the council. In this letter, the pope complained that the holy Church of Rome had lain under the reproach of covetousness a long time; that this vice, which was reckoned the root of all evil, was charged upon her, because nobody could dispatch any business in the court of Rome without presents and great expense: that since the poverty of the see was the occasion of this scandal, they ought to relieve their mother's indigence, and prevent so

infamous an imputation. "Now," as the pope continues, "we are forced to receive these gratuities, otherwise the conveniences of life would be cut off, and we should have nothing to support the dignity of our station. That, therefore, we may neither suffer in our dignity, nor lie under the scandal of avarice, we have thought upon the following expedient: which is, that you would grant us two prebends out of every cathedral; one of which to be allowed from the bishop's revenue, and the other from that of the chapter; and that in all the monasteries we may have the allowance of two monks assigned us, in proportion to the value of the abbey. Upon your granting this request, our court shall do you justice gratis, without any expectations."

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K. of Eng.

Paris, p.
328.

The bishops and abbots, surprised at this motion, debated the matter among themselves, and sent John, archdeacon of Bedford, with their answer. He told the nuncio that the proposal was a business of great importance: that the interest of the king, and the other patrons of monasteries, not to mention of the archbishops, bishops, and abbots, was considerably touched in the question; that at present the king was sick, and several of the prelates were absent; that for this reason they could come to no resolution. After he had made this report, John Marshall, and some other gentlemen, charged the prelates, in the king's name, not to engage their lay fees to the see of Rome, lest, by any such incumbrance, the king might lose the services reserved upon their tenures.

430.

The nuncio, thus balked, adjourned the synod to Midlent, in hopes of better success; but the archbishop of Canterbury defeated his expectation, and prevailed with the pope to recall his commission. He told his holiness that, Otho, being a foreigner, was no proper person to transact an affair of that weight and difficulty: that himself being a native, a cardinal, and archbishop of Canterbury, was more likely to carry the point. The pope, overreached by these suggestions, took away Otho's commission, and sent him an order to come immediately to Rome: and, at the same time, the archbishop of Canterbury had an authority from his holiness to convene the prelates, and manage the affair with which Otho was charged.

The king afterwards convened the lords spiritual and

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temporal about this business. When the archbishop read the pope's instructions, the king told him, that the request was a matter in which all Christendom was concerned. That it was not proper for the English, who lived in a corner of the world, and at a remote distance from Rome, to begin a precedent ; but that when they understood the resolution of other countries, they should be ready to follow their example in paying their respects to the holy see. And thus the session broke up, and the pope's project was countermined, and came to nothing.

Id. 331.

*The death of
the bishop
of Durham.*

This year, Richard de Marisco, bishop of Durham, departed this life. He was consecrated in the year 1217, and had formerly been chancellor of England. There was no good correspondence between this Richard and the monks of his chapter. He thought their privileges too much overgrown, and endeavoured to reduce them. The monks, to make him a return, gave him a hideous character to the pope, and charged him with simony, sacrilege, perjury, and what not. The pope delegated the bishops of Salisbury and Ely to try the cause. Richard made his appeal, took a journey to Rome, and softened the pope so much by his presents, that his holiness kept the matter depending, and never proceeded to judgment while that prelate lived.

*His consti-
tutions.*

Sir Henry Spelman mentions a diocesan synod held about the year 1220, under Richard, bishop of Durham, and inserts the constitutions at large. If he is not mistaken in his chronology, these constitutions must belong to Richard de Marisco, and not to his successor, Richard Poer, who was not elected till the year 1228.

Most of these constitutions having been mentioned under former councils, need not be repeated: I shall only, therefore, insert something which has not hitherto occurred.

1st, The first canon mentions the crimes which make a priest incur suspension, namely, simony, receiving orders from hereticks, or schismatics under excommunication, pleading at the bar against a person that is tried for his life ; debauching of nuns, bigamy, gaining orders surreptitiously, &c.

Confession, and receiving the holy eucharist, are enjoined the people three times a year, that is, at the solemnities of Easter, Whitsuntide, and Christmas ; for which duties they

are to prepare themselves by a preliminary abstinence ; and whoever does not, at least once a year, confess to the parish priest, and receive the communion, unless the priest shall advise him otherwise, shall neither be suffered to come into a Church living, nor have Christian burial.

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No priest, out of dislike to the penitent, or fear of death itself, was to take the liberty to discover any part of the confession, either by language or signs. The penalty of misbehaviour in this point was loss of preferment and degradation.

In cases of robbery, theft, or any injustice, the confessor was to enjoin the restitution, and not absolve the penitent upon any other terms, nor unless he would promise not to commit any mortal sin for the future.

I shall only mention one canon more, and that is against usury. Now, not only the constitutions of the Church, but also the laws of the state have anciently declared against a consideration for the loan of money. By the laws of king Alfred, the chattels of an usurer were forfeited to the crown, their lands escheated to the lords of the fee, and their corpse not allowed burial in consecrated ground. By the custom of Normandy, whether an usurer made a will or died intestate, his goods and chattels fell to the king, and his heir was disinherited. This law prevailed in England, as appears by Bracton, who informs us that it was an article of the charge of enquiry by the justices in *Eyre de usuariis Christianis mortuis*, concerning Christians who died guilty of usury, who they were, what chattels they left behind them, and in whose hands. But in Glanville's time, in the reign of king Henry II., it was not the custom to prosecute any person for usury, living the party ; for if he repented of this practice, and gave it over, though never so late, he was *rectus in curia*, and not liable to the penalty of the law ; and, for this reason, the presumptions were not examined till after the person's decease. But in the reign of king Edward I. the law was altered, for then, as sir Edward Coke observes, " divers were indicted, for taking usury, before justices in Eyre, and some were pardoned by the king, and others not." What was the sense of the legislature in after reigns, and how the point stands settled by the consti-

Usury an-
ciently for-
bidden both
by Church
and state.

431.

Coke's In-
stitutes,
part 3. c. 70.
Essays,
part 3. p.
178. et
deinc.

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TON.,
Abp. Cant.

tution at present, I have examined elsewhere, and thither I refer the reader.

Spelm. vol.
2. p. 161. et
deinc.

To return, these diocesan constitutions of Durham were most of them extracted from general and provincial councils, and stand upon higher authority than that of a single bishop.

*A contest
about elect-
ing to the
see of Dur-
ham.*

Upon the vacancy of the see of Durham, the prior and convent applied to the king for leave to proceed to a choice. The king recommended one Luke, a court chaplain, and entreated them to accept him for their diocesan. The monks replied, they could receive nobody without passing through the forms of a canonical election. The king told them with some passion, that unless they consented to prefer Luke, they should be seven years without a bishop. The convent judging the person proposed by the king not qualified for so great a post, chose one William, archdeacon of Worcester, a clerk of their own house, and a person very unexceptionable both as to learning and morals. The king, refusing to give his consent, and making some slender objections against this William, the monks sent their agents to Rome to get their election confirmed. The king being informed of their proceedings, sent the bishop of Chester and a prior to remonstrate against the monks of Durham, and prevail with the pope to annul the election; and thus the see continued vacant about two years.

Paris, p.
332.

*The death
of Pandul-
phus.*

To this year we are to assign the death of Pandulphus, bishop of Norwich, who had formerly been legate in England from pope Innocent III., he was consecrated by pope Honorius III., in the year 1222. He was a person of ability and conduct, and well qualified for the character of a legate. However, he was undoubtedly to blame for urging the unreasonable pretensions of the court of Rome with so much vigour, and taking advantage of the publick disturbances.

Angl. Sacr.
p. 1. p. 410.

A. D. 1227.
*Bishop of
Winchester
discharged
from the
protector-
ship.*

The next year, the king convening the lords spiritual and temporal at Oxford, declared himself a major, and resolved to be no longer under the direction of a governor. By the way, we may observe, that after the death of William Marshall, earl of Pembroke, Peter, bishop of Winchester, was made the king's protector. And now, by the advice of

Hubert de Burgh, justiciary of England, the king entered upon the administration, discarded the old ministry, and declared the great charters void. The pretext for these proceedings was, that those charters were passed in his minority, when he had neither judgment to examine the contents, nor authority to dispose of the seal. And therefore the churchmen, monks, and others, who expected any benefits from those grants, were ordered to renew their charters: and for this confirmation of their title, they were forced to pay whatever the justiciary thought fit to charge upon them.

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Paris, p.
336.

About this time, Stephen, the archbishop, made Simon Langton, his brother, archdeacon of Canterbury. And here it may not be improper to make a brief enquiry into the antiquity and jurisdiction of this office. Now we must observe, that from the time of archbishop Augustine to Lanfranc, which comprehends about four hundred and sixty-two years, there was no archdeacon, either in the city or diocese of Canterbury. Archbishop Theodorus, the sixth from Augustine, consecrated a bishop, and fixed him at St. Martin's, in the suburbs of Canterbury. This bishop, who was a sort of chorepiscopus, represented the archbishop in his absence, both in the town and diocese of Canterbury; for instance, he gave orders, consecrated churches, confirmed children, and performed other branches of the episcopal function. And when the see was vacant, his jurisdiction extended to the whole province, though, in these matters, he was not to act without the consent of the chapter. This settlement continued till William the Conqueror, but Lanfranc, upon the death of the chorepiscopus, sunk the character, as has been observed. However, to supply part of the office, he gave one Valerius, a clergyman belonging to him, all the jurisdiction in the city of Canterbury, excepting matrimonial causes, and churches in the patronage of the archbishop. This clergyman was the first who had the style of archdeacon of Canterbury. He had a house assigned him by Lanfranc, in Canterbury, without Northgate, near the monastery of St. Gregory.

*The arch-
deaconry of
Canterbury,
when.*

Upon the vacancy of the see, after Lanfranc's death, the chapter of Canterbury exercised both diocesan and provincial jurisdiction, excepting the powers and authorities granted to the archdeacon. And thus the case stood, till

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the present archbishop Stephen; who, in consideration of the slender revenues of the archdeaconry, enlarged the privilege to his brother Simon, and granted him all the jurisdiction in rural deaneries of the diocese of Canterbury with exception of matrimonial causes, and the parishes lying in the archbishop's manors, and in those of the monks of Christ's Church.

432.

Ang. Sac.
p. 1. p. 150.
ex Biblioth.
Cotton.

Paris, p.
338.

*The Fran-
ciscans set-
tle in Eng-
land.*

Upon the death of Stephen, archbishop of Canterbury, the chapter exercised their jurisdiction, both in the diocese and province, by their official, which, from this time, was their customary practice: but, upon the death of St. Edmund, archbishop of Canterbury, this Simon Langton endeavoured to disturb the official of the chapter, and to claim the whole jurisdiction, in right of his archdeaconry. This challenge occasioned several disputes and appeals to Rome, both in his successor's and his time. But the respective issues of these contests is not necessary to relate.

Peter, bishop of Winchester, being displaced from his protectorship, made a voyage to the Holy Land; being accompanied by William, bishop of Exeter. These two prelates had engaged themselves in the crusade, and continued five years in Palestine to encourage the Christian army.

About this time, St. Francis, as Matthew Paris reports, began to work miracles, and make way for a new order. He was born at Assise, in Italy, and extracted from a considerable family. He had a large estate left him by his father, which he sold and disposed of to charitable uses. Having advanced thus far, he retired from the world, and practised very great mortification both in habit, diet, and other austerities. At last he drew up a rule, and got it confirmed by the pope. One branch of the rule, to mention nothing more, is commendable enough; and that is, they were not allowed to preach in any diocese when forbidden by the bishop. Now, though Matthew Paris does not mention these Franciscans till this year, yet Walter Hemingford and the learned Du Pin report the order approved by pope Innocent III. in the year 1215, and confirmed by Honorius III. in the year 1223: and the year after, as Hemingford relates, they came into England.

Chron. He-
mingford,
p. 557. Du
Pin's New
Eccles.
Hist. cent.
13.

The next year, Stephen, archbishop of Canterbury, departed this life. To what has been said of him already, we

may add, that, considering the age he lived in, he may pass for a learned and polite author. He divided the Bible into the distinction of chapters now in use; wrote commentaries upon all the Old Testament; and upon St. Paul's epistles. He likewise wrote the history of king Richard I. He died at his manor of Slindon, in Sussex, and was buried at Canterbury.

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K. of Eng.

A. D. 1228.
*The death
of Stephen,
archbishop
of Canter-
bury.*

Matt. Paris,
p. 350.

Antiquitat.
Britan. in
Stephan.
Pits, de Il-
lust. Angl.
Scriptor.

*And of
Eustachius,
bishop of
London.*

In this year occurred the death of Eustachius de Falconberg, bishop of London. This prelate, before his election to the see of London, had been preferred to the posts of justiciary and lord-treasurer. In his time, the dispute between the abbey of Westminster and the see of London, was settled, and the abbey declared exempt from the jurisdiction of the ordinary. And here, notwithstanding the bulls of exemption produced by the prior and convent, they were forced to resign a manor to the see of London, to secure their privilege.

Wharton de
Episc. Lon-
dinens.

To proceed: the monks of Canterbury, upon the death of Stephen; desired the king's leave to proceed to the choice of an archbishop, and pitched upon Walter de Hemisham. When this monk was presented to the king, he refused to consent to the election. The objections against this Walter were very material. He was a person of little learning and experience in business, and, besides this, he was remarkably blemished in his birth and morals: for his father was executed for felony, and himself is said to have kept a scandalous intercourse with a nun, and to have had children by her; to which we may add, his being elected without the notice and approbation of the bishops of the province. For the suffragans, it seems, continued their claim of an interest in the choice of an archbishop, notwithstanding the late pope's determination against them.

*Walter's
election
voided.*

Upon this discouragement, Walter took a journey to Rome, and moved for his confirmation: but the pope understanding the election was contested by the king and the bishops, delayed the matter till both parties were heard. The king and the bishops sent their objections in writing, by the hands of the bishops of Rochester and Chester, and the archdeacon of Bedford. The pope, upon perusing the letters, postponed the cause till Ash-Wednesday following. And now, the king's ambassadors, finding the pope and

Antiquitat.
Britan. in
Richardo
Magno.

A. D. 1229.

**RICH-
ARD,**
Abp. Cant.

Matt. Paris,
p. 345.
Id. p. 348.
Id. p. 351,
356.
Id. p. 353.

433.

Id. p. 355.

conclave not very conciliating in their humour, were apprehensive the business might miscarry. And, therefore, to make their matter sure, they promised their master should grant his holiness a tenth of all the stock and money in England and Ireland, to support him in his war against the emperor. For, by the way, we are to observe, that the pope Gregory IX. had excommunicated the emperor Frederick II. The reason of this censure, as the bull of excommunication sets forth, was the emperor's insincerity and dilatory proceedings with respect to the crusade. The emperor complains of this excommunication in a tragical manner, and charges the court of Rome with pride, simony, and usurpation of privilege. After this remonstrance, the emperor went on with his expedition, marches to Palestine, and recovered Jerusalem. Notwithstanding this success, the difference between his imperial majesty and the court of Rome continued, and both sides broke out into open hostilities. Things standing thus, the offer of the English ambassadors was extremely seasonable, and prevailed with the conclave to give satisfaction. The pope, appearing in consistory, declared that Walter, the elect of Canterbury, was a person wholly unqualified for that post; that, being examined by one of his cardinals, he had given very unlearned and unorthodox answers; that he found there was a great deal of weight in the exceptions of the English bishops; that, upon the whole, he must pronounce him unworthy of that station, and, should he deal severely with the case, he should be obliged to say something which would be still more unacceptable. In short, he voided the election, and, for a penalty upon the convent, reserved the next disposal of the archbishoprick to himself.

*Richard
preferred to
the see of
Canterbury
by the pope.*

The English ambassadors were by no means pleased with this last clause. They were jealous that an archbishop too much in the interest of the court of Rome, would be forced upon them. To prevent a misfortune of this kind, they procured new instructions from the king, to give his holiness a farther assurance of the offer of the tenths; requesting withal, that Richard, chancellor of Lincoln, might be promoted to the see of Canterbury. The pope having now the security of the king's letters, complied with his desire, and wrote to the suffragans of Canterbury, to acquaint them

what care he had taken to furnish them with a proper metropolitan; and therefore ordered them to receive him with proportionable submission and respect. To speak clearly, had the court of Rome been disinterested in their recommendation, there were no exceptions as to the man. For this Richard was a very graceful person, and a good speaker; master of almost all sorts of learning, and altogether unblemished in his life. He was consecrated at Canterbury, by Henry, bishop of Rochester, without being furnished with a pall. This solemnity was graced with the king's presence, and a great retinue of the nobility.

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III.
K. of Eng.

Id. p. 363.
et Antiquit.
Britan.

The pope having gratified the king in an archbishop, sent one Stephen, his nuncio, into England, to move farther for the grant of the tenths. The king being acquainted with his business, summoned a parliament to Westminster, where, besides the lords spiritual and temporal, those who held of the king in capite, made part of the session. The nuncio read the pope's letters in parliament, and insisted upon a tenth of their moveables to carry on the war against the emperor. The king, being pre-engaged by his promise, was silent upon the demand. The temporal barons gave a positive denial; the bishops desired three or four days to consider the matter. But wanting resolution to stand the pope's censures, they gave their consent. The nuncio's business being thus far effected, he produced an authority from the pope to collect the tax. And here he had particular instructions to enquire into the utmost value, and assess the subject accordingly. And in case the collectors met with any opposition, they were to proceed to the censures of excommunication and the interdict. And, because the pope wanted a present supply against the emperor, the prelates were compelled to furnish the money beforehand, with a promise of being reimbursed when the tax was paid in. In short, the rigour was such, that the clergy were forced to pawn and sell the Church plate, and take up money at interest of Italian merchants. And thus the kingdom was miserably exhausted of its treasure: there being none but Ralph, earl of Chester, who had the courage to oppose the encroachment. For, notwithstanding the pope's collectors took their range over England, Wales, Scotland, and Ireland: this nobleman opposed their entrance

Paris, p.
361.

*The tenths
collected by
the pope's
agents with
great ri-
gour.*

Id. p. 362-3.

RICH-
ARD,
Abp. Cant.

*A synod at
Westmins-
ter.*

Id. p. 368.

*The death
of Richard,
archbishop
of Canter-
bury.*

August 6th,
A. D. 1231.

September
25th.

into his earldom, and so preserved the clergy and laity from their exactions.

Archbishop Richard having settled the affairs of his province, convened a synod at Westminster, where, by the constitutions then passed, we may judge of the temper and moderation of that prelate: but notwithstanding the mildness and goodnature of his government, he did not want vigour to defend the rights of the Church. There happened a dispute between this archbishop and Hubert de Burgh, earl of Kent, concerning the castle and town of Tunbridge, and the wardship of the earl of Clare. The archbishop claimed this estate and jurisdiction as parcel of his see: but the earl of Kent being a great court favourite, the cause passed for him: though, by the way, this Hubert de Burgh discouraged a noble undertaking for the king's service, and plainly lost the recovery of Normandy.

The archbishop, thinking himself hardly used, went to Rome to make his complaint; and being a person of address and eloquence, and, as it is probable, making out a fair plea, he prevailed with the conclave to interpose in his behalf.

He died in his return, at a monastery called St. Jemma about three days' journey from Rome. Besides his provincial constitutions in Linwood, he wrote several tracts; for instance, *De Fide et Legibus*; *De Sacramentis*; *De Universo Corporali et Spirituali*. He sat only two years, and died in 1231.

Soon after the death of Richard, the monks of Canterbury chose Ralph Nevil, bishop of Chichester. This prelate was then chancellor of England, and behaved himself in that office with great commendation, being very remarkable for the equity and expedition of his decrees. He was a person of that integrity and fortitude, that neither favour, money, nor greatness, could make any impression upon him. The monks expecting an admirable governor in a person thus qualified, presented him to the king. His majesty was well pleased with the election, and put him in possession of the manors, and temporalities of the archbishoprick. Upon this, the monks going to Rome to get their election confirmed, desired Ralph to furnish them with money for their journey. The bishop, looking upon such a contribution as a mark of simoniacal ambition, plainly told them, he

would not be at a penny charge upon that occasion. The monks, believing the refusal to proceed more from honesty than humour, made a voyage to Rome, and desired the pope to confirm the election. His holiness having received a character of Ralph, from Simon Langton, told the monks, that their elect was a court divine; a man of little learning, and very warm and hasty in his temper: and, what was still more exceptionable, it was to be feared, that if he was promoted to so great a post, he would make it his business to disengage the kingdom of England from their late homage to the see of Rome, and stop the customary acknowledgment of that crown: and that the king and people of England would readily concur with such a motion. It seems the pope was afraid, this bishop Nevil might be encouraged to such an attempt by the precedent of the late archbishop Langton, who remonstrated against the king's yearly payment of a thousand marks, and entered in writing his protestation against resigning the crown to the pope. This character of Nevil lost him his promotion. And the monks were ordered to proceed to a new election, and choose a person that might prove more serviceable to the court of Rome. About this time, the Italian priests had engrossed a great many benefices in England, and impoverished the kingdom by exporting the treasure: and in these promotions, it seems, they had conducted themselves with great avarice, and indiscretion; not suffering the bishops to prefer the natives, till foreigners, and creatures of the court of Rome, were first served. The nobility and commons resented this usage, and resolved upon a rash expedient. Being formed into a sort of association, they wrote to the respective bishops and chapters, letting them know they would endure the arbitrary oppressions of the Romans no longer, warning them not to encourage their encroachments, or be any ways assisting to them, under the penalty of having their houses burnt, and their farms harassed and destroyed. They likewise wrote to the monks, and others who hired church-farms of the Italian clergy, not to pay them any rent or arrears, under the menaces above-mentioned. These threatening letters were sealed with a new seal, engraved with two swords, with this inscription, *ecce Gladii duo hic*, and dispersed by gentlemen of the associa-

HENRY
III.
K. of Eng.
Bishop Nevil's election to the see of Canterbury made void, and why.
434.

Id. p. 370,
371. Anti-
quit. Britan.

The Italian clergy mismanage and are roughly treated.

tion. Neither were these menaces without effect: for soon after one Cincius, a Roman clerk, and prebendary of St. Paul's was taken upon the road near St. Albans', by men in masks, carried off, and kept five weeks in durance, and forced, at last, to pay a high composition for his liberty. The barns of the Italian clergy were broken open, their corn sold, and sometimes given to the poor: and when those that committed these outrages were questioned, they produced counterfeit letters-patent for their warrant; and it was thought these liberties were countenanced underhand by the magistracy. As for the Roman clergy, they were glad to retire into monasteries, and secure their persons: and yet, the men that appeared in these riots, were seldom above five-and-twenty.

The pope complains of this usage to the king.

A. D. 1232.

When the pope was informed how his countrymen were outraged, he wrote an expostulatory letter to the king, in which he puts him in mind how much himself and his father had been obliged to the see of Rome. How they had been screened from the insults of their rebellious subjects, cherished with particular marks of favour, and taken under the protection of the Church: he next proceeds to mention the ill treatment of his nuncios and ministers: that one of those, who came with an authority from the holy see, was cut in pieces, and another left half dead: that the letters and credentials of their character were torn, and the bull trodden under foot: that the Italian clergy in England were seized, plundered, and harassed, just as if one of the ten persecutions was acting over again, and the cruelties of Nero revived. He charges some of the prelates with connivance at these disorders; and after a great many strong expressions respecting the ingratitude of the kingdom, he moves earnestly, that those who have suffered may have speedy reparation, and the malefactors be brought to condign punishment.

Conventiones Litteræ, &c. tom. 1. p. 322.

The election of Nevil being made void, the monks of Canterbury chose their sub-prior, John, for their metropolitan; which election was approved by the king. The elect took a journey to Rome, underwent the test at the pope's court, and had nothing objected either as to life or learning.

However, he was refused upon the score of his age: the pope told him that since he was so far past the strength of

his years, it was more advisable for him to decline so publick a station. And thus being an easy goodnatured old man, he was prevailed on to resign the election. The monks of Canterbury were now to make a third trial, and pitched upon Blund, an Oxford divine, and one who stood very well in the king's esteem. But this elect had no better success than the two former: for the pope understanding he had received two thousand marks from his patron, the bishop of Winchester, fancied he had bribed the monks of Canterbury to give their votes for him: for this reason, and for his being a pluralist, the pope made void his election.

HENRY
III.
K. of Eng.
*Two other
elections to
the see of
Canterbury
annulled by
the pope.*

Three elections to the see of Canterbury being annulled, the pope recommended Edmund, prebendary and treasurer of Salisbury. This Edmund being a person of known learning and piety, the monks of Christ's Church agreed to the pope's motion, and had the pall delivered to them on their coming from Rome.

*Antiquit.
Britan. in
S. Edmun-
do.*

About this time, the civil government was somewhat embroiled. The barons were displeased with the ministry of Peter, bishop of Winchester, and Peter de Rivallis, lord-treasurer, who persuaded the king to entertain a body of foreign troops of Poictou. The barons thus displeased with the administration, took the field against the crown, and made Richard Marshal, earl of Pembroke, their general. During the course of these disorders, the king called a parliament at Westminster: and here, he charged several of the bishops, and particularly Alexander, bishop of Chester, with being in the interest of the earl Marshal; and that they were entered into a concert with the rebellious barons to dethrone him. The bishop of Chester or Coventry resented this imputation of disloyalty with great indignation, and immediately excommunicated those who were concerned in so treasonable a practice, or reproached the bishops with a revolt from the crown: that the prelates, as this bishop adds, were heartily solicitous to preserve the king's person and honour; and that all these suggestions were pure calumny and malice. At this session, Edmund, elect of Canterbury, and most of the prelates, addressed the king against the ministry. They told him, the bishop of Winchester, and the treasurer, put his highness upon dangerous measures; that the government in the late reign had suf-

*The state
embroiled.*

435.

*Paris, p.
386.*

*A. D. 1234.
The bishops'
remon-
strance to
the king.*

ED-
MUND,
Abp. Cant.

ferred by the direction of the bishop of Winchester. They petitioned therefore that these men and their creatures might be removed from the council-board. The latter end of their address grows rugged and exceptionable: for, they are so hardy as to tell the king, that unless these grievances are speedily redressed, they shall exert the censures of the Church against his highness himself, as well as all others who oppose so necessary a reformation. The king desired some little time to consider their petition, and so the session

Id. p. 395-6. broke up.

*Edmund
consecrated
archbishop
of Canter-
bury.*

In the beginning of April, this year, Edmund was consecrated archbishop of Canterbury, by Roger, bishop of London. The solemnity was performed at Canterbury, where the king and thirteen bishops were present.

This year, at the meeting of the parliament at Westminster, the archbishop and his suffragans repeated their late remonstrance to the king, and prevailed with him to discharge Peter, bishop of Winchester, and Peter de Rivallis, and to send the Poitevins home.

Id. p. 400.

To proceed: the occasions of the holy war, and the late rupture between the pope and emperor, afforded the legates a strong pretence to squeeze the English. They preached and entreated, threatened and excommunicated, and left no expedient untried to gain their point and fill their pockets; and it seems they were so oppressive and griping that the kingdom was in a great measure impoverished by them. And to make the people part with their money more cheerfully the pope wrote a very moving letter upon the subject of the holy war.

*The pope's
bull to en-
courage the
holy war.*

The letter, directed to all Christendom in general, complains in allegorical expressions of the lamentable condition of the Christians in Palestine: that now mount Sion, from whence the law proceeded, 'the city of the great king,' the country dignified with the incarnation and passion of the Son of God, was sunk in her strength and prosperity; that the Church of Palestine lamented the loss of her freedom, and the tyranny of an infidel nation; that the solemnities of Jerusalem were now despised, and polluted with impious worship; that all Christendom ought to assist towards the recovery of the Holy Land; that no fatigue of march or hazard of combat should discourage the expedition; that

Christians ought to venture their persons with the utmost resolution, and be almost prodigal of their blood upon such an occasion; that we can never engage too far in his service, nor be too forward for his honour, who suffered so much pain and ignominy for our sakes; and after some discourse upon the condescension of our Saviour's incarnation, and the history of our redemption, he proceeds to observe that, notwithstanding the ingratitude of Christians, and their failure in returns of obedience, the goodness of God was not withdrawn: his providence was still active for the happiness of mankind, his remedies were suited to their disposition, he proportioned the prescription to the disease, and made use of various methods for their recovery; that God, 'whose hand is not shortened that it cannot save,' who has omnipotence to execute his pleasure, would not have suffered the country which had been honoured with his birth, with his passion and miracles, to have lain thus long in the hands of the infidels, had it not been to try the zeal and resolution of the faithful. That the occasion of this service was offered as a most effectual atonement for the miscarriages of a negligent life; that a great many people would have despaired of undergoing the discipline of a regular course of penance; that the engaging in the holy war, and venturing their lives for the honour of our Saviour, was a most compendious way to discharge them from their guilt, and restore them to the favour of heaven. And, to prevent their being discouraged for fear they might die upon their march, he tells them, that in this case their commendable purpose would secure their condition; that God, who chiefly considers the good disposition of the mind, will reward them for what they designed; and that thus a great many people, who died before they could execute their holy resolves, gained the prize without running the course, were crowned as conquerors without fighting, and made happy by the strength of a noble intention.

HENRY
III.
K. of Eng.

436.

The pope goes on in a long harangue, which I shall omit. The indulgence for their faults, and protection of their estates, together with what has been already mentioned, being the principal encouragements to the undertaking.

Ibid.

The contents of this letter were published, and the design recommended by the English clergy. The Dominicans and

ED-
MUND,
Abp. Cant.

*The avarice
of the pope's
agent.*

Franciscans were chiefly intrusted with soliciting this business. These monks had an authority from the court of Rome to receive people into the crusade, and to discharge them from their vow, in case they repented and were willing to fine. The countenance and commissions these new religious received from the pope, made them forget the mortification of their rule. These monks, who, by their order, pretended to nothing but poverty and self-denial, were now grown so vain as to court the respect of a publick procession in towns and monasteries. And having the power of granting an indulgence to their auditors, they enlisted people for the service of the Holy Land one day, and, it may be the next, took their money, and released them from their engagement. And now, it seems, there was so much shuffling and collusion in this matter, such vast sums of money collected by the pope's agents, without any satisfaction as to the ends to which it was applied, that people grew cool in their zeal for the holy war, and were much discouraged in their contributions; and that which put farther scruples into their heads, and shocked their fancies, was the consideration of their receiving no account of the tenth lately given to the court of Rome to support them against the emperor. For that now, since the quarrel between his imperial majesty and the pope was at an end, the English had not a farthing of their money returned, neither was any part of it employed for the common interest of Christianity. And though the occasion of the tax was thus removed, the pope seemed resolved to lose nothing of the money, but made a strict enquiry whether any part of it was uncollected.

Id. p. 403.

In this year, we must place the death of Hugh Foliot, bishop of Hereford. He was elected by the prebendaries in October, 1219. Upon this occasion the chapter received no letters from the king to check the freedom of the election. Though, by the way, as has been observed, (see Records, numb. 33,) the king's leave to elect did not impose a necessity of choosing the person nominated by the crown; nay, oftentimes there was no person mentioned, but the electors were referred to their own inclination. And when the king named any person, it was only by way of recommendation, without any penalty upon the chapters for refusal. And therefore the king called it his request to the clergy, and

desired them to give a favourable consideration to it. *Ut huic petitioni meæ favorem præbeant benignum*, was the form then in use, as appears by the Records published by Prinne, and shews plainly where the right of election lay. To return: this bishop had the character of a good governor. He was likewise a considerable benefactor to the diocese, and founded an hospital at his manor of Ledbury, for the relief of old and disabled persons of that town.

HENRY
III.
K. of Eng.

Inscription
in the par-
lour of the
hospital of
Ledbury in
the county
of Hereford.
See case of
the Regale,
&c. edit. 2
p. 106. 277.
Godwin in
Episc.
Hereford.

The next year, upon the death of William, abbot of St. Alban's, the monks applied to the king for leave to proceed to an election, and chose John, prior of Hertford.

The form of
electing the
abbot of St.
Alban's.

And since, in honour of the proto-martyr, St. Alban, this abbot had the privilege of precedence, I shall mention the method of electing as it stands in Matthew Paris, a monk of this society. Their way was this: at a full chapter, where, besides the members of the house, the priors of their cells were present, they enjoined three or four of their confessors to pitch upon twelve members of the convent, whom they knew to be persons of conscience and discretion. The reason why this nomination was referred to the confessors, was, because their function had made them more particularly acquainted with the inward state and disposition of men's minds. These twelve were empowered to choose an abbot, either out of their own number, or from the remainder of the convent, or out of any of the cells belonging to the abbey. And that they might not choose to no purpose, they had an instrument under seal, by which the convent obliged themselves to abide by the election.

This abbey, having the privilege of a papal exemption, the election was, of course, to be confirmed at Rome. At which time the abbot was obliged to take an oath to engage his submission to the pope. Besides this, the pope wrote commonly to the bishop of London to examine the elect, and then give him his solemn benediction.

A. D. 1235.
Id. p. 410.
Concil. tom.
11. p. 317.
Paris, p.
413.

This year seven Jews were brought before the king at Westminster, and prosecuted for stealing a Christian boy, and circumcising him with a design to crucify him at the next Paschal festival. Upon their being convicted they confessed the indictment to the king, and were punished for their barbarity. Which way their nation procured the pope's favour is not mentioned; but Matthew Paris tells us,

The barba-
rity of the
Jews.

ED-
MUND,
Abp. Cant.

Pope Gregory the Ninth's decretals published.
Id. 410.
437.

they got a bull from the court of Rome not to be imprisoned, nor any ways outraged by Christian princes to force them to part with their money⁷.

This year, pope Gregory IX. published his decretals, commonly called the second part of the 'Cursus Canonicus.' This work takes in the epistles of several popes, and particularly those epistles which were written from the year 1150, when Gratian published his decree, to the year 1230, in which, according to some authors, this collection of decretals was published, though Matthew Paris places it five years afterwards. To these decretal epistles are likewise added the constitutions of councils, and some decisions of the fathers. This collection was drawn up by Raymond de Pegnafort, the pope's penitentiary, and is digested into five books. The first book treats principally of the ecclesiastical law in general, and of the several sorts of judges who have jurisdiction in the Church. The second dilates upon civil process, or the forms of prosecuting an action. The third and fourth give directions about sentence and passing of judgment in civil matters, taking in the cases in which the clergy are

⁷ A noble instance of the improved temper of the popes toward the Hebrew people in general. The persecution of the Jews was one of the most infamous transactions of the time. They indeed, in no trifling degree, brought it on themselves, for when they were in power they too persecuted Christians with the most sectarian spite imaginable. They should have known that action and reaction are equal, and that persecution always begets persecution. They should have re-collected—

"That time at last sets all things even;
And if you will but watch your hour,
There never yet was human power
That could escape, if unforgiven,
The patient search and vigil long
Of him that treasures up a wrong."

Still the misconduct of the Jews was no excuse for the misconduct of the Christians. The debt of gratitude which we owe the Jews ought to outbalance the debt of vengeance. To them, as St. Paul argues, are we indebted for the divinest monuments of antiquity; and if we analyse the history of the middle ages, we shall find the Jews still the chief light that lingered in the firmament of the dark ages. I profess the highest obligations to the Jewish scholars, especially those of the cabalistic school. To such men as Aben Esra, Maimonides, Riccius, and Rittangel, may we attribute the best learning of Reuchlin, Agrippa, Mirandola, Postellus, Kircher, and Voisin. Of the history of Jewish literature the public are, generally speaking, as ignorant as Caffres, in spite of the labours of Buddeus, Brucker, &c. &c. We hope, however, that the genius of Mendelssohn in Germany, and D'Israeli in England, have prepared the way for a more extensive investigation of rabbinical learning; that the gross folly and injustice of our former treatment of the Jews will be corrected, and that we shall make them all the amends in our power, by granting their religious and civil rights, and abrogating their disabilities.

concerned, together with those relating to marriage. The fifth treats of the matter and form concerning trial and judgment in criminal causes. This collection was not only supplemental to the old canon law, but likewise altered some part of it. For instance; it is decreed that illegitimate persons should not be capable of bishopricks, abbacies, or ecclesiastical promotions, without a dispensation from his holiness. The pope, as Matthew Paris observes very well, foreseeing that this constitution would prove very serviceable to the court of Rome.

HENRY
III.
K. of Eng.

Paris, p.
417. Du
Pin's New
Eccles.
Hist. cent.
13.

About this time, the Caursins^a, or Italian bankers, grew very troublesome in England; most of the prelates were hampered by them: and the king himself was very deep in their debt. Their way was to take their advantage of people's necessities, and practise usury under the notion of trade. Their lending money, as the historian phrases it, was not to assist their neighbours, but to circumvent them: not to relieve the indigence of others, but to gratify their own avarice. If the money was not repaid at the time agreed, the debtor was obliged to pay one mark every two months for the loan of ten. And for this oppressive interest, they had a security drawn up with all the caution and strength imaginable.

The Caursins's practices to impoverish the English.

These methods of exaction, notwithstanding they were forbidden by canon and common law, were countenanced by the court of Rome, as appears by the following instance:

See Records, num.
85.

When Roger, bishop of London, was informed how usuriously these Caursins dealt with the fortunes of the English, and particularly, how great a grievance they were to the monasteries, he admonished them to desist from these unjustifiable courses, and do penance for their past misbehaviour. These Caursins, instead of mending their manners, laughed at the admonition of this good prelate, and threatened him, in case he went farther. The bishop, being a person of conscience and courage, excommunicated the whole clan of them, and to prevent his diocese from suffering, ordered them to remove immediately to a remote distance from London. But these men confiding in the pope's protection, not only slighted the censure, but procured an order from the

Bishop of London excommunicates the Caursins.

^a Caurcines, Causini, so called from Caorsium, or Caorsi, a town in Lombardy.
—COWEL.

ED-
MUND,
Abp. Cant.

Paris, p.
419.

*The Fran-
ciscans de-
sert their
rule.*

Ibid.

Ibid.

*The bishop
of Chiches-
ter refuses
to deliver
up the broad
seal.
A. D. 1236.*

*The differ-
ence be-
tween the
canon and
the common
law, with
reference to
bastardy.
20 H. III.
cap. 9.*

court of Rome to summon the bishop thither to answer his proceedings against them. The bishop being not willing to expose the Roman partialities, bore the insults of the Caur-sins, and dropped the prosecution.

The late orders of the Dominicans and Franciscans began now to run riot more than ever, and encroach upon the ancient monasteries. They likewise received frequent confessions in towns and villages, to the disadvantage of the parochial priests, and they pretended a faculty from the pope for their warrant. They alleged this authority was given them, because some of the faithful were ashamed to confess to their own rector: others, as they pretended, scorned to do it, because the priest was guilty of the same faults as themselves, and sometimes they were afraid to trust his discretion with their secrets. In all these cases, the Franciscans pretended a commission to discharge the office of a confessor. In short, these Franciscans lived contrary to their institution, grasped at property, and drove into secular business. They were agents and attorneys to men of quality, and some of them secretaries to the pope; at whose court their interest was so great as to procure an assignment of some of the lands of the monasteries to be settled upon their fraternity. At last, they grew so excessive in their demands, that the pope thought fit to check them.

The next year, the king demanded the broad seal of the bishop of Chichester, then lord chancellor. The bishop replied, the seal was delivered him in parliament at the instance of the barons and great men of the kingdom, and that he could not resign it without their consent. Matthew Paris gives this bishop the character of an admirable minister of justice: and that he was apprehensive the office would be disposed of to some improper person. But that this plea could justify him in his non-compliance, is more than I can discover.

Under this year, sir Edward Coke mentions the making of the statute of Merton. Now because a branch of this statute relates to the Church, I shall lay it before the reader. The ninth chapter mentions a debate concerning the conditions of legitimacy, and here all the bishops desired the temporal nobility to consent, that those who were born before matrimony (provided their parents were afterwards married),

should be as legitimate to inherit from their ancestors, as those that were born after matrimony. The ground of their motion was, as the statute mentions, because the Church allowed such to be legitimate; there being a constitution of pope Alexander III. to this purpose: however, Glanville observes, that this part of the canon law, being contrary to the usages of the realm, was not binding.

HENRY
III.
K. of Eng.
438.

And therefore, notwithstanding the pretensions of the court of Rome ran high, yet in the case of general bastardy, when the king wrote to the bishops to certify who was lawful heir to any lands, or other inheritance, they ought to certify according to the law and custom of England, and not according to the Roman canons and constitutions, when they happened to clash with the laws of the realm: the bishops therefore endeavoured to remove the contrarieties between the Church and state, and to be relieved from the restraints of the common law.

But to this motion, all the earls and barons unanimously replied, *nolumus leges Angliæ mutari i. e.* they would not suffer any innovation upon the ancient constitution.

To speak clearly in this case, the common law appears preferable to the canon. Because, not to allow those to be legitimate, who are born before marriage, seems a greater discouragement to licentiousness.

Upon this statute sir Edward Coke observes, that both before, and after the reign of king Henry III., many of the judges, and great officers of the realm, such as lord chancellor, treasurer, privy seal, &c., were of the clergy,—bishops, deans, and priests.

Sir Edward
Coke's tes-
timony to
the integ-
rity of the
clergy.

And here, this learned lawyer gives them the commendation of a general integrity: that they were not overborne, by any partialities to the court of Rome: that they were true to their office and the constitution: that they constantly maintained the laws of England, so that no encroachment or breach was made upon them by any foreign power.

Coke's In-
stitutes, p.
2. fol. 96. et
deinc.
Id. in
Westm.
primer. cap.
51. fol. 265.

In the year 1237, in the latter end of June, cardinal Otho was sent legate into England, at the king's instance. The barons were disgusted at his coming, and charged the king with inconstancy of counsels, with acting by the advice of a cabal; with revoking his grants, and with breach of faith. It is said the archbishop of Canterbury remonstrated with the

A. D. 1237.
Otho, the
legate,
comes into
England.

ED-
MUND,
Abp. Cant.

*He recon-
ciles the
great men.*

Paris, p.
442, 443.

*The king of
Scotland re-
fuses to ad-
mit the le-
gate.*

Id. 446.

*A council
convened at
London.*

king against the legate's coming: but his highness refused to alter his resolution. The cardinal, therefore, held on his voyage with a numerous and splendid retinue. The prelates and dignified clergy received him at his debarking, and made him large presents. The king likewise paid him the ceremony of a visit on the coast, and travelled with him towards London. He was complimented upon the road, with processions, ringing of bells, and all the imaginable signs of a profound respect. He managed with address and temper, and refused a great part of what was presented, contrary to the custom of the court of Rome: by this conduct he removed the general aversion, and made the clergy and laity have a better opinion of him. To give him his due; he did some good offices at his first coming: he reconciled several noblemen, whose misunderstandings were carried so high, that they were ready to break out into a civil war.

The legate, having made the great men friends, wrote to all the bishops to meet him at London, upon the octaves of St. Martin; letting them know that he designed to hold a council there for discipline and reformation of manners.

Before the council was convened, the king summoned a parliament to York: and here, the king of Scotland and the legate had an interview. The legate acquainted him with his design of going into Scotland. The king of Scotland replied, that there had been no legate in the kingdom in his time, neither did he think it necessary to invite any person of that character. That, God be thanked, the business of the Church was in a good posture. And that, since no legate had been seen in Scotland for a long time, he should never give way to such unusual methods. But if his eminence was resolved to venture, he bid him have a care no misfortune happened. "For," says the king, "you will be in danger of meeting with fierce and sanguinary people upon the road: neither is it in my power to check their sallies, if they fall upon you. And I suppose you may have heard these men have been so hardy as to attack the crown, and attempt to drive me out of my kingdom." When the legate heard this, he changed his purpose of going into Scotland, and returned to London with king Henry.

The council was held at St. Paul's in London, and a pompous preparation made to set off the legate's character.

He wrote to all the bishops, abbots, and priors, to appear either in person or by proxies, and that the respective convents and chapters should authorise their bishops, abbots, or priors, by an instrument, or indenture, to transact for them in council.

HENRY
III.
K. of Eng.

Ibid.

The council met at the time appointed. And here the legate, to secure himself, had prevailed with the king to provide him a guard of two hundred men, who were planted privately about the cathedral. It seems he was afraid of being outraged by those of the clergy who were pluralists, or illegitimate. For it was given out, he designed to be severe against those men: neither was this suspicion altogether ill founded. For when a canon of the late council of Lateran against pluralists was read in the synod, Walter de Cantelupe, bishop of Worcester, standing up, and pulling off his mitre, addressed the legate thus. "Holy father," says he, "we have a great many persons of blood and quality pluralists, who, as yet, have no dispensations to secure their promotions. Some of these gentlemen are advanced in years; have made all along a very creditable figure, kept open house, in a manner, for strangers, and been charitable to the extent of their fortunes. Now it would be a great hardship such men should be stripped of their estates, and reduced to poverty and contempt. On the other hand, some of our pluralists are young gentlemen of courage and spirit, and are likely to run the utmost hazards, rather than suffer themselves to be reduced to a single benefice: and to deal clearly, I was formerly somewhat of this temper myself; we intreat you therefore to consult his holiness upon the affair, to think of moderation, and not carry things to the utmost rigour of discipline."

*The bishop
of Worcester's
speech
to the
legate.*

439.

Id. p. 448.

The legate replied, he would write to the pope about this business, provided all the bishops would sign the letter.

It seems, some members of the synod had a scruple about the validity of the decrees, and suspected the force of them would cease upon the pope's recalling the legate's commission. To remove this objection, one Mr. Atho, a clergyman in the cardinal's retinue, stood up, and read a decretal epistle out of the pope's register, by which it appeared, that the canons of the present council would be no temporary provisions, but perpetually binding upon the Church.

*A scruple
removed.*

ED-
MUND,
Abp. Cant.

Rev. 4. 6.

*The legate
preaches.*

Paris, p.
448.

This obstacle being removed, the legate began his sermon. The words of his text were these, "In the midst of the throne, and round about the throne, were four beasts, full of eyes before and behind."

From these words, he took occasion to put them in mind, that the prelates ought to resemble the qualities of these animals, to retrospect, and look forward; to be uniform in their management, and prudent in their conduct, both with respect to this world and the other.

When the sermon was ended, the legate ordered the canons to be read; whence, it appears, they were prepared and drawn up before the sitting of the council. However, it is pretty plain they were not published as a law, but proposed by way of bill; for the legate declares in his preliminary discourse, that the authority of these canons was to be completed by the votes and consent of the council.

The first canon relates to the consecration of churches; and decrees that all cathedral, conventual, and parochial churches, should be consecrated by the bishop of the diocese, or his order, within two years after they were finished; and that no abbots or rectors of parishes should presume to pull down any old consecrated churches, upon pretence of enlarging or beautifying the fabrick, without leave from the bishop of the diocese.

The second states the number of the sacraments, and reckons them seven, i. e., baptism, confirmation, penance, the holy eucharist, extreme unction, matrimony, and orders. This canon enjoins the clergy should be examined upon these heads at their ordination; and that the archdeacons, in their visitations, should direct the parochial clergy in the administration of the sacraments.

The next canon mentions the eves of Easter and Whitsundays as the most solemn and customary times for the administration of baptism. Now it seems some people had an odd scruple against baptizing their children on these days; this superstitious fancy is condemned, and the people enjoined to bring their children to the font upon the festivals above mentioned.

The sixth canon concerns the ordination of priests, and provides that those who offer themselves to holy orders may pass a proper test; and that none who lie under any blemish

or defect, with respect to their birth, their learning, or their morals, may be suffered to enter upon the sacerdotal function. HENRY
III.
K. of Eng.

The twenty-second puts the bishops in mind of the duty of their character; exhorts them to live a considerable part of the year at their cathedrals; to officiate there upon the principal festivals, and upon Sundays in Lent and Advent; to visit their dioceses; to exert their authority in discipline, to consecrate churches, and preach to the people. And that they may be the better awakened and recalled to the performance of these functions, the engagement they made at their consecration is ordered to be read to them twice a year.

By the twenty-fourth, those who have a cause depending in a court Christian, are obliged to take an oath that they do not commence the suit out of a troublesome litigious humour. And,

By the twenty-eighth, those who undertake the employment of an advocate are obliged to swear before the bishop of the diocese to act fairly; to be true to justice and their client; not to spin out a good cause to unreasonable lengths, nor flourish upon a bad one. And that the spiritual courts may be under the better direction, and their conformity to general councils more easily examined; the judges are enjoined to keep an original record of the process of the court; and give the parties concerned a copy upon demand; and that a copy of the process should be exposed to public view, that if there happens to be any mistake in the clerk, it may be corrected, and the process and matter of fact, be certainly known.

I have omitted the greatest part of these canons to avoid repetition. The reader who desires to be farther informed, may find them at the end of Linwood's Provincial Constitutions, with Atho's commentary upon them.

However, it may not be improper to mention a word or two concerning the constituent members of a provincial council. And here the famous Atho lays it down for a rule, that only the bishops of the province are to be summoned; as for the rest, though they may be invited, they are to be left to their liberty. *Cæteri subditi invitandi non cogendi.* To this Linwood agrees, and tells us, that there was no

Vid. Constitut.
Othon. cum.
Comment.
Athon. fol.
36.

440.

Paris, p.
449. et
deinc. Pro-
vincial.
Linwood,
edit. Oxon.
1505.

ED-
MUND,
Abp. Cant.

necessity, that any others, besides bishops, should appear at a provincial council. His words are, *verum est quod ad Provinciale concilium vocandi sunt episcopi, et non alii de necessitate.*

Atho in
Constitut.
Othon. p. 5.
Linwood
Provincial.
p. 154.
Edit. Ox.

Hence it appears, that the ecclesiastick legislature was complete in the bishops, without any farther supplemental authority; and that the decrees of a provincial council were valid and binding, though not so much as one abbot or presbyter had assisted in them.

*The death
of Richard
Poer, bi-
shop of
Durham.*

This year, Richard Poer, bishop of Durham, departed this life. He was consecrated bishop of Chichester in the year 1215. Then, after two years, translated to Salisbury; and thence removed to Durham in the year 1228. He was a great benefactor to the see of Salisbury; persuaded the clergy and townsmen to remove from Old Sarum to a better situation, and, in consequence of this scheme, the new city and cathedral were built about a mile distant from the former. This cathedral, though begun, and encouraged by the bishop, was not finished untill thirty years after his quitting the diocese, which, indeed, was not long, considering the beauty and magnificence of the structure. He founded a nunnery at Tarrent, in Dorsetshire, and an hospital at Salisbury; and cleared a great debt upon the see of Durham, contracted by his predecessor.

Godwin in
Episc. Sa-
risbur. et
Dunelm.

This prelate, when bishop of Sarum, drew up a body of constitutions at a diocesan synod. They are divided into eighty-seven articles or canons. I shall mention some few of them.

The fifteenth forbids priests selling of masses, or charging themselves with more than they are able to perform in their own persons.

By the thirty-fourth, it appears plainly the laity received the holy eucharist in both kinds; for, notwithstanding the article affirms transubstantiation, the priests are directed to instruct the people that they are not to question the reality of Christ's body and blood in this holy sacrament. "For (without doubt, as the words are) they," i. e., "the laity, receive that under the species of bread which hung upon the cross for us; and they receive in the cup that which streamed from the side of our Saviour. *Hoc bibunt, ut dicit Augustinus, credentes, quod prius fuderunt scævientes.*"

The thirty-seventh enjoins the office for the dead to be said daily, excepting upon great festivals.

The forty-fifth forbids monks farming the livings which belonged to their patronage: and that they were not to occupy any part of the rectory without the allowance of the ordinary. This canon was made to prevent the encroachment of the monasteries upon the parochial clergy.

The eighty-sixth commands the archdeacons to take care these canons may be duly observed; to give copies of them to the rural deans, who were to transcribe them, and furnish the rectors and vicars within their precincts.

What year these canons were published, is not easy to determine; however, by their mentioning the council of Oxford, held under Stephen, archbishop of Canterbury, it is certain they must have been made after the year 1222.

Upon the breaking up of the council, the bishops and clergy addressed the legate to use his interest with the king, that those customs and practices which were prejudicial to the liberties of the Church, might be altered and suppressed. I shall mention some few of them. First, they complained that the crown had broken in upon Magna Charta and the forest charter.

They request that the king's justices may not have the trying of ecclesiastical causes: for instance; that the jurisdiction of such secular persons may not reach to the determining whether the privileges of baptism and burial belong to a chapel or no, nor give judgment whether quarries, *silva cædua*, herbage, or other things of that nature, are tithable or not.

That a bench consisting wholly of lay judges may not be allowed to pronounce whether a cause ought to be accounted ecclesiastical or secular. The reason of this part of their petition is, because if there happens to be either partiality or mistake in the lay judges, they will be apt to extend their own jurisdiction too far, and encroach upon the spiritual courts.

To proceed to another branch or two of their petition: one of which is, that bishops may not be compelled to give an account of any part of their administration before the king's justices, i. e. why a bishop did not confirm the election of an abbot, or give him his benediction: or for what reason he would not admit such a clerk to such a benefice.

HENRY
III.
K. of Eng.

Spelman.
Concil. vol.
2. p. 137.
et deinc.
Concil.
Labbe et
Cossart.
tom. 11. col.
247. et
deinc.

The clergy's
petition to
the crown.

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MUND,
Abp. Cant.

441.

Annal.
Monast.
Burton, p.
290. et
deinc.

*A satire
upon the
court of
Rome.*

That the king's prohibition may not prevent the ecclesiastical courts from pronouncing whether a chapel belongs to such a church or not. And whether such parcels of tithes are to be paid to this or the other church.

That the bishops' officials, or archdeacon, or any of his clergy, may not be obliged to appear in the secular courts, to give an account why they excommunicated such a person. Whether this petition of the clergy in these and other instances was granted, is not mentioned by the historian.

This year, Matthew Paris breaks out into a tragical complaint of the times: his satire is chiefly pointed at the encroachments and misbehaviour of the court of Rome. He laments that the privileges of the Church were in a manner lost: that Christian charity was ready to expire, and religion fallen under contempt: "that the daughter of Sion was become, as it were, an harlot." That persons of no merit or learning came menacing with the pope's bull into England, hectoring themselves into preferment, trampled upon the privileges of the country, and seized the revenues, designed by our pious ancestors for the support of the religious, for the benefit of the poor, and for the entertainment of strangers. "And in case," says he, "the injured persons have recourse to the remedy of an appeal, the pope strikes the cause dead, and sends out an excommunication against the plaintiff. And thus, instead of gaining their preferment, by modest and respectful applications, they invade the patrimony of the Church, and, as it were, plunder the kingdom. And whereas, formerly, the Church preferments were held by natives of birth and character, men who were a credit to their country, and spent their wealth in hospitality and relieving the poor: instead of this, we are now pestered with obscure rapacious people; no better than farmers and servants to the court of Rome, who glean up the wealth of the country for the pride and luxury of their masters: and thus, England, which was formerly so illustrious in figure and command, and so exemplary in religion, was clapped under hatches, made a prey to foreigners, and sunk to an ignominious degeneracy."

Paris, p.
438.

This complaint was made by the historian before the convening of the council: how far the occasion of it was removed by that meeting, is not mentioned; only, Matthew

Paris observes that the legates, at the breaking up of the council, gave but slender satisfaction.

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K. of Eng.

A. D. 1238.

*A quarrel
at Oxford.*

Id. p. 455.

The year after this synod, the legate went a progress to Oxford; he was received with great respect, and lodged in the abbey of Osney. The clergy of the university sent him in provisions for his table; and, after dinner, went to pay him the ceremony of a visit. When they came to the abbey, the legate's porter saluted them roughly, and asked them what they would have? When they told him, they came to wait upon my lord legate, he returned them ill language, and shut the gate upon them. The scholars meeting with this unexpected usage, forced their passage. Upon which, the Italians, who were the cardinal's retinue, endeavoured to beat them back. During this scuffle, a poor Irish priest happened to be in the abbey to ask a charity. The clerk of the kitchen being heated with the fray, threw scalding water in the Irishman's face. This affront was highly resented by a Welsh clergyman, who, being furnished with bow and arrows, let fly at the clerk of the kitchen, and killed him. This clerk of the kitchen happened to be the legate's brother. The legate finding himself attacked in so near a relation, retired in his canonical habit, to the abbey steeple. In the night he put on a disguise, crossed the Thames on horseback, posted to the court at Wallingford, and complained of the outrage. The king, surprised at the accident, ordered earl Warren to go down with a body of men to rescue the Italians, and seize the scholars. About thirty of these university malefactors were apprehended and imprisoned at Wallingford. The legate, resolving not to go without his full revenge, summoned some of the bishops to attend him, puts Oxford under an interdict, and excommunicates all those concerned in the quarrel. These men were soon after treated with the ignominy of felons; brought up in a cart to London, at the legate's instance; committed to close custody, laid in irons, and deprived of their preferments.

*The univer-
sity inter-
dicted by
the legate.*

Id. p. 469.
70.

At last, at the request of the bishops, the legate was prevailed on to relax the sentence, and restore the university: for, by the way, we are to observe, he had laid an embargo upon the Muses, and forbidden all lectures and disputations. However, the Oxonians were not to be admitted to favour

ED-
MUND,
Abp. Cant.

Id. p. 469.
Westmo-
nast. et
Walsing-
ham ad
An. 1238.

*Bishop of
Winches-
ter's death
and charac-
ter.*

without penance and satisfaction: their punishment was to walk in a body from Cheapside to Durham-house, in the Strand; and when they came thither, they appeared bare-foot, uncovered, and disrobed of their upper habit; and in this submissive style they received their pardon. During the suspension of the university, several of the members removed to Northampton and New Sarum, to study there.

This year, in the beginning of June, Peter de Rupibus, bishop of Winchester, departed this life. He was born in Poictou, of a noble family, and not unpractised in the profession of arms. He had a great share in the civil administration, both in this reign and the last. He was always firm to the crown; adhered to king John in his quarrel with the pope, and to his son king Henry, against the barons. He held the see of Winchester about two-and-thirty years, died at Farnham, and was privately buried in his cathedral, according to his own order. Matthew Paris, notwithstanding he is sometimes displeased with him for his loyalty, gives him a noble character at last. He tells us, the Church and state suffered an irreparable loss in his death; and that no man was fitter to direct matters, either in synods or parliaments, than this prelate: that all the advantages gained by the emperor Frederick in the holy war, were chiefly owing to his advice and assistance. And when the late misunderstandings between the pope and emperor were likely to be carried to the last extremities, and to prove very unfortunate to Christendom, he was so happy as to heal the difference, and make them friends. His publick benefactions were extraordinary: he founded and endowed two monasteries; one at Hales, and another at Tikeford, for the Premonstratenses: and a third at Selbourne, for canons regular, of the order of St. Augustine: and at Portsmouth he founded a noble hospital. He was likewise a great benefactor to the Holy Land, made considerable additions to the fortifications of Joppa, and left a vast sum of money in his will, to the Christians of Palestine.

442.

*A difference
between the
king and the
monks of
Winchester
about the
election of a
bishop.*

When the king heard of the death of the bishop of Winchester, he recommended William, brother to the earl of Flanders, and the queen's uncle, to the convent. The monks considered that this person was a foreigner, and not acceptable to the nobility; and that, in case the earl of Flan-

ders or his brother should attempt anything to the prejudice of the kingdom, they would be aiding and assisting to each other: for these reasons, and other exceptions to his character, they refused to elect him. This non-compliance of theirs was highly resented by the king, who seized the revenues of the bishoprick, cut down the timber, and dealt hardly with the interest of the convent. The monks, as Matthew of Westminster tells the story, chose rather to suffer than comply against their consciences, and choose a person altogether unqualified for that station; a man of a savage and sanguinary temper, and who had neither learning nor behaviour for so sacred an employment. However, these monks, to give the court as little offence as might be, desired time to deliberate upon the matter, and, at last, pitched upon one William Raley, a person of merit, and well known to the king. The king, highly disgusted at this disappointment, told the monks, that they had refused the brother of the earl of Flanders, and called him a man of blood: but that this Raley had killed more men with his tongue, than the other had done with his sword; and, in short, he would by no means consent to his election. The monks, being willing to escape the king's displeasure, as far as they lawfully might, proceeded to a new election, and chose Ralph Neville, bishop of Chichester, and lord chancellor. The king was not better satisfied with this election than the other; called Neville a hot-headed tempestuous prelate; told the monks they were a company of blockheads for choosing him; and, instead of approving the election, took the broad seal away from the elect. Upon this he sent his agents to Rome, where, by large sums of money, they prevailed with that court to gratify the king and annul the election. And, not long after, the pope wrote to the legate, Otho, to charge the prior and convent of Winchester, not to choose any person for their bishop against whom the king might have any reasonable exception.

HENRY
III.
K. of Eng.

Westmo-
nast. ad An.
1238.

Paris, p.
473.

Id. p. 474.
Conventi-
ones Lite-
ræ, &c. tom.
1. p. 387.
88.

This year, according to Matthew of Westminster, though Walsingham places it in the next, Simon Montfort, son of that Simon who headed the crusade against the Albigenses, came into England, where he was well received by the king, who gave him the earldom of Leicester, made him one of his privy council, and married him to his sister

*The arch-
bishop of
Canterbury
opposes the
marriage
between the
king's sis-
ter and the
earl of
Leicester.*

ED-
MUND,
Abp. Cant.

Eleonora, relict of William Marshall, earl of Pembroke. The princess, it seems, upon the death of her husband, had made a vow for a monastick life. This match lost Edmund, archbishop of Canterbury, the king's favour; for this prelate told the king, his sister was bound to stand to her former engagement, and that his highness ought not to countenance her in such a breach of faith and canon. This remonstrance against the king's inclination was remembered to the archbishop's disadvantage; and, as for the lady, the pope's dispensation was afterwards procured for her.

Paris, p.
465. Anti-
quitat.
Britan. in
Edmund.

A. D. 1239.

However, the king, it seems, thought himself insulted; for when the earl of Leicester and his countess came to wait on him at London, the king would see neither of them; but sent the earl word, that he had dishonoured his sister, and was not fit to appear at his court; that when he understood the blemish his sister lay under, he consented to the marriage to screen her from publick scandal; that the earl, after his libertine practice, had made application to Rome, bribed that court into a dispensation, and made the king a party to the business, without preacquainting him with it. The earl, meeting with this rebuke, retired from London, and went beyond sea.

Id. p. 498.

This year, a new quarrel broke out between Rome and the empire, and the legate excommunicated the emperor at London, and St. Alban's. King John's becoming a feudatory to the see of Rome, and king Henry's binding himself to fulfil his father's engagements, made that court venture upon unusual oppressions, and grow more encroaching and extravagant than ever. However, the English, especially the laity, were not so tame as to yield to every imposition; for instance, when the barons found the rights of their patronage in danger, and their presentations given away to foreigners by the pope, they wrote a letter to his holiness, and sent it by one sir Robert Thuinge, who himself had been a sufferer in this matter.

443.

In their letter, after some moderate preliminaries of ceremony, they acquaint his holiness, that, since a storm was fallen upon them, and their liberties ready to sink, they thought it seasonable to awaken their lord, who was now sleeping in St. Peter's vessel; and since the advantage of his see gives him an authority to do justice, they desire he

The barons' letter to pope Gregory IX. in defence of the right of patronage.

would make them sensible of that good quality, and let them remain unmolested in their rights and privileges. They tell him, that unless they are thus treated, it is to be feared their devotion and respect may sink; that the children may be provoked against their father, and that the good offices and correspondence of that relation may fall off, and vanish. They continue, that ever since the first planting of Christianity in England, their ancestors have always had the privilege, upon the vacancy of any living in their patronage, to present a priest to the bishop, who, provided there was no canonical objection against him, was to give him institution of course. That this privilege had been frequently invaded, and foreigners put in upon them by the pope's agents. That the continuance of this encroachment would occasion great animosities, and might probably be carried on to blows and bloodshed. From hence they proceed to mention the case of sir Robert Thuinge, whose presentation was refused by the archbishop of York upon his holiness's order, notwithstanding there was no objection against the qualifications of the clerk. They desire, therefore, this matter may be rectified, and the grievance redressed in general; otherwise they shall be forced to apply to the king, who, being sovereign of their fees, is obliged to protect them in their liberties.

HENRY
III.
K. of Eng.

The pope returned the barons a very smooth satisfactory answer; told them it was never his intention to lessen the privileges of the laity, or lay his hands upon their rights of patronage. Neither was this bare ceremony and compliment; for he sent a countermand to the legate, and the archbishop of York, not to insist upon his former order, but give institution to the clerk presented by sir Robert Thuinge; with farther instructions, in general, that, for the future, they should not disturb the laity in their presentations, nor institute any person where they were patrons, without their consent, unless there were reasonable exceptions against the person presented.

Id. p. 513-
14.

Upon this occasion, Matthew Paris falls into a declamation against the partiality and crafty management of the court of Rome; that the pope should be so tender of the patronage of the laity, and guard it, in his bulls, by express distinction, and at the same time make no scruple to invade

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MUND,
Abp. Cant.

the bishops, abbots, and clergy, upon the same branch of property! The reason of this different usage was, because his holiness thought the clergy would submit more tamely, and not defend their privileges with sword in hand.

Ibid.

From hence, says the historian, we may conclude that the world is in its declining period, and the honesty of it almost worn out: for what does law and religion, what does the Church signify at this rate? Those who are fortified, and prepared for contest, are well used, and none but the naked monks and clergy oppressed and plundered.

This year, as Matthew Paris reports, the king forced a prior upon the convent of Winchester. This man, who was a foreigner of Bretagne, broke through the rules of the house, embezzled the revenues, and was perfectly governed by the direction of the court: and at last he brought over a majority of the monks to choose William, the queen's uncle above mentioned. But this William, who was likewise chosen bishop of Liege, died this year at Viterbo, in Italy.

About this time, Hugh Patishul, lord-treasurer, one of the barons of the exchequer, and son of Simon Patishul, justiciary of England, was chosen bishop of Coventry and Lichfield. The right of election had been lately disputed between the monks of Coventry and the secular canons of Lichfield. The cause was brought into the court of Rome, and decided by Gregory IX., that the election of the bishop should be made at Coventry and Lichfield, by turns; and that both parties should have an equal interest.

Anglia.
Sac. pars
l. p. 438,
439.

Conven-
tiones Li-
teræ, &c.
p. 387, 388.
A. D. 1240.

*The bishops
and barons
complain of
the adminis-
tration.*

This year, the pope wrote to the king, and several of the barons to acquaint them, that he had sent instructions to his legate Otho, to command the convent of Winchester not to choose a bishop disaffected to the king's interest.

The next year, upon the octaves of Epiphany, the archbishops, bishops, and barons, met at London, and made a remonstrance against the administration. They complained that the king had been misled by ill advice, made a breach upon their charters, kept abbeyes and bishopricks a long while vacant, harassed the Church with arbitrary impositions, and overruled the freedom of elections. The bishops digested these grievances of theirs into thirty articles, and excommunicated all those of the king's council who had suggested those illegal measures.

The archbishop of Canterbury finding no redress, wrote a complaining letter to the pope, giving him to understand, that the canons were overruled, and the privileges of the chapters borne down by the interest of the court. To prevent some part of these inconveniences, he requested that in case a see or abbey was kept vacant six months, it might be filled by the archbishop of the province. The pope, who received large presents, granted the archbishop an authority for the purpose above mentioned: but being a prelate of no resolution, as Matthew Paris will have it, he revoked his grant at the king's instance. The archbishop being thus deserted by the pope, and perceiving the Church more and more harassed in her revenues, and checked in her spiritual privileges, made his application to the king, but without success. Being thus disappointed, he broke up his household, and travelled into France, where he spent his time in the exercises of discipline and devotion.

HENRY
III.
K. of Eng.

444. .

Paris, p.
533.

Paris, p.
532.

About this time, there was a man seized at Cambridge for declaring against going to church. By his habit and austerities he seemed to be a Carthusian. Being interrogated concerning his singularities, and giving an untoward answer, he was sent up to London to the legate, and imprisoned in the Tower.

*A heretick
seized at
Cambridge.*

It seems, he had openly maintained that Gregory IX. was no pope nor head of the Church. That the Church had another head; that the churches were profaned and unfit for divine service, unless they were rebuilt, and the furniture reconsecrated; that the devil was let loose; that the present pope Gregory was a heretick, and that both the Church and the world were debauched by him. He pretended to believe all the articles of the creed; but when they questioned him about the incarnation of our Saviour, he returned an unorthodox answer.

This year the pope sent one Peter Rubéus to collect money from the English. This man went to the monasteries, and, by overreaching and menacing the convents, prevailed with them to promise him the payment of a sum of money, pretending, though falsely, that several bishops and abbots had done the same. And to clench the matter, and prevent his foul play from being discovered, he made them swear not to declare what was done till after half a year. He pretended that this was one of the pope's secrets, and that they were

*The ex-
actions of
the court of
Rome.*

ED-
MUND,
Abp. Cant.

Ibid.

bound to keep it by the rule of their order: "Whereas," says the historian, "nobody is obliged to keep the pope's counsel, unless in things which are defensible and just; but these men, like thieves, first rob people, and then swear them to secresy." The abbots complained to the king, who, being gained by the court of Rome, treated them ruggedly, and told the legate he might use them at his discretion. And thus the greatest part of them were overawed and delivered their money. The legate and Rubéus, having carried their point over the monasteries, hoped to succeed as well among the clergy; for this purpose they summoned the bishops to Northampton. And here, the legate demanded a fifth part of their revenues; the bishops replied, that since all the clergy were concerned in this demand, they could conclude nothing without consulting them. The matter was therefore deferred to the octaves of St. John the Baptist; and now the bishops gave in their reasons why they could not contribute to the pope's occasions.

The bishops' objections against complying with the legate's demand for money.

First, because the design of the contribution tended to the effusion of Christian blood; for, as the bull sets forth, the money was raised to enable the pope to reduce the emperor. It was likewise an attempt upon the liberties of the Church, for, by the tenure of the instrument, those who refuse to answer the demand, are to be compelled by ecclesiastical censures. Now what is this but mere slavery, and clapping the Church under hatches? They urge farther, that when they gave their last tenth to the pope, it was upon condition that no such burthen should be imposed for the future, and yet now the oppression was doubled, and a fifth part required. They were likewise apprehensive that their complying with a second payment might prove a dangerous precedent, and introduce a custom against them. They object farther, that since they have several occasions of dispatching business at the court of Rome, and that there was no way to come there but through the emperor's dominions, it was to be feared they might be arrested and imprisoned upon their journey. They proceed to shew the unseasonableness of such a contribution: that the king had a powerful enemy to deal with; that it was very unsafe to impoverish the country at such a juncture, when it was in a great measure exhausted both of men and money for the service of the holy war; that

this proposal touched the interest of all Christendom, and that, to prevent giving offence, it ought to be referred to a general council, which, as it was said, was shortly to be called.

HENRY
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K. of Eng.

Id. 534.

The legate and his assistants being shocked at these objections, dropped their point for that time, and endeavoured to work it some other way. To this purpose they summoned the clergy of Berkshire, harangued them at great length, and tried all imaginable methods to bring them to their bent; but, to their disappointment, these priests were no less furnished with arguments and resolution than the bishops.

*Their
reasons
seconded by
the clergy of
Berkshire.*

In the first place, they declared they could not contribute against the emperor as a heretick, because, though he had been excommunicated, he was not canonically convicted of heresy, nor condemned by the sentence of the Church; neither was his invasion of the patrimony of the Roman see a sufficient reason, for the Church is not accustomed to employ force and levy troops against hereticks. That, as the Church of Rome has her revenues, the management of which belong to the pope, so other churches endowed by kings and princes have the same property in their estates, and are not bound to pay any tax or arbitrary acknowledgment to the apostolick see. That as, in the language of the law, all the country is said to be the king's, (not that he is owner and proprietor of the whole, but only in a sense of government and protection,) in like manner, the pope has the superintendency of the Church; but this does not imply his having a command of the privileges of the clergy, or being landlord of all their livings.

445.

They go on in their exceptions, and urge, that when our Saviour said, "Thou art Peter, and upon this rock will I build my Church," he reserved the sovereignty to himself, though he committed the administration to that apostle. And though it is said "whatsoever thou shalt bind on earth, shall be bound in heaven; and whatsoever thou shalt loose, &c.," yet it is not said, whatever thou shalt require on earth shall be required in heaven. That since by the doctrine of the holy fathers the revenues of the Church are designed for the maintenance of the clergy, for the relief of the poor, and for the reparation of the consecrated buildings, they

ED-
MUND,
Abp. Cant.

ought not to be applied to other uses, unless by the assignment of the universal Church; that since a contribution was demanded against the emperor, who was an ally, and lately married into the house of England, they ought not to assist his holiness in this contest without the king's leave. That this aid was unprecedented, and that formerly, when the English clergy were much richer, and held pluralities without a dispensation, there was no such tax put upon them; though the popes and prelates were sometimes banished, and extremely distressed by the rigours of the empire; that the popes have granted considerable portions of tithe to the nobles of France, for the defence of the apostolick see; that these men notwithstanding, never contributed to the charge of the war in which the see of Rome was concerned, and yet were not taxed with ingratitude or breach of articles. And lastly, they plead themselves under the protection of the crusade; and that, by virtue of this privilege, they ought to enjoy the perquisites and profits of their preferments for three years, without any defalcation whatsoever.

Id. p. 535.

The legate, not being able to oppose the strength of their reasons, endeavoured to force their union, and divide them into parties. To this purpose, he went to court, and worked the king to his point. His agents likewise solicited the dignified and leading churchmen, and by large promises prevailed so far as to make a faction, and break the resolution of the clergy above mentioned.

October.

About this time, St. Paul's church was consecrated by Roger, bishop of London. This cathedral had been rebuilding ever since the time of Mauritius, who was bishop of that see in the reign of William the Conqueror. This year, in the beginning of the campaign, Richard, earl of Cornwall, the king's brother, with a great many of the nobility, embarked at Dover for the Holy Land. When they came to Marseilles, the pope sent his legate, the archbishop of Arles, to stop their voyage, and forbid the expedition.

Id. 538.
Wharton de
Epiac. Lon-
dinens. p.
45.

Paris, p.
536, 7.

The earl of Cornwall was much surprised at this message, and not thinking himself bound to obey so unreasonable a countermand, sailed forward with his forces.

Towards the latter end of this year, the pope recalled his legate, to assist in concerting the measures for a general council. This minister, before he left England, had in-

structions to renew his attack upon the clergy. Pursuant to this order he convened that body to London upon All Saints' day. They came with a resolution to make a bold stand against the impositions of the court of Rome, and appeal to a general council; but finding themselves discountenanced by the king, their courage sunk, and they were glad to submit to a smooth answer, of which the legate afterwards made his advantage. There was now an expectation of a general council to meet shortly. The emperor, being apprehensive this meeting might be designed as a plot against him, endeavoured to hinder it, and set forth his reasons by way of manifesto.

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III.
K. of Eng.

Id. p. 541.

Now, because the English Church is concerned in the remonstrance, I shall lay it before the reader.

First, his imperial majesty objects against the seasonableness of the juncture, and that the convening of the council was too much precipitated. 2ndly, That the pope, in his bull, had omitted the principal reason of convening this assembly; which was, to settle a peace between the empire and the see of Rome. 3rdly, His imperial majesty complained that the pope had summoned the known and declared enemies of the empire to the council. 4thly, That cardinal Otho, the legate, in conjunction with king Henry, had raised vast sums of money in England, to be employed against the empire; and that his imperial majesty had been excommunicated there, to the prejudice of his character. That upon this score, he had reason to count all the English prelates his enemies, since without any provocation they had done their utmost to blemish his credit and embarrass his affairs. And that there was no reason he should submit to the award of persons so apparently prepossessed against him. 5thly, His imperial majesty sets forth that the pope designed to extort a great sum of money from the French and English clergy when they came to the council; and that his holiness had promised to dispose of this treasure to the enemies of the empire. And here he takes notice of a scandalous practice, begun by pope Innocent III. in the last council, not to suffer the prelates to retire till he had quite emptied their pockets, and not left them in a condition to make their way home. 6thly, The emperor alleged, that all the prelates, particularly the English, not excepting the

The emperor's reasons against the convening a general council.

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king of England himself, were tied to the pope by oaths and professions of submission. That therefore he had no reason to refer his affairs to their votes and determination; especially since the pope is known to be his capital enemy, and makes his utmost effort to confound both the emperor and empire. Thus his imperial majesty, being fully apprised of the designs against him, thought fit to give the bishops publick notice of their danger in coming to the council; and that he would, by no means, protect them in their passage through his dominions.

Id. 544.

November
14.

*The death of
Edmund,
archbishop
of Canter-
bury.*

During these commotions, Edmund, archbishop of Canterbury, departed this life at the abbey of Soysy. The disappointments he met with at the court, and the ill usage of him by the legate, made him quit the kingdom and retire into France. And here, by grief, excess of abstinence, and other austerities, he wore out his constitution in a little time. The encroachments of the court of Rome, it was thought, sat heaviest upon his spirits, and shortened his life. He had the character of a very exemplary and devout prelate. He sat eight years, and was canonised by pope Innocent IV. in the year 1246.

Id. p. 544.

The last year, the emperor declared his reasons against convening a council; and now he repeats his manifesto, and gives the bishops a more menacing warning not to appear. And those who were so hardy as to pass through his dominions, were imprisoned, treated with extreme rigour, and some of them lost their lives. When the pope was informed of this usage, he broke out into reproachful language against the emperor, and repeated his censures upon him. The bishops, who were summoned to appear at the council the Easter following, were somewhat at a stand, and under a dilemma, either of disobeying the pope, or of being roughly treated by the emperor. The pope, to raise their spirits, and fortify them against the danger, wrote a letter and sent copies of it to each bishop. In this letter, he compares the Church to a ship, and represents her terribly tossed in a storm; and, to carry on his allusion, he takes the freedom to say, that our Saviour seemed to sleep; that the mariners doubted the issue of the tempest; that the passengers trembled, and St. Peter cried out for help; that now the world was sunk to that state of degeneracy, that there was

A. D. 1241.

*The pope
commands
the bishops
to come to
the council.*

no depending upon the solemnity of treaties; and that pagan honesty was hardly to be met with. It was no wonder, then, to find people wavering in their faith; to see charity and devotion languish and grow cold, and that wickedness of all kinds should gain ground, and become epidemical. To remedy this disorder, he thought fit to apply to the expedient of a general council, and call in the aid of kings, princes, prelates, and others of the faithful. After this, he proceeds to a complaint against the emperor; sets forth how remarkably he had been countenanced and protected by the see of Rome; what unsuitable usage he had returned; how he endeavoured to ruin the measures concerted for the benefit of Christendom, to obstruct the happiness of the Church, and frighten the bishops from coming to the council. That, notwithstanding the difficulty of the journey, he commands them to set forward, and trust in God Almighty; to prefer their duty to their lives, and not to be overawed by any terror.

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III.
K. of Eng.

Id. p. 553.

This year, the monks of Canterbury elected Boniface, of the house of Savoy, the queen's uncle, for their archbishop. He was, besides the nobleness of his birth, a very graceful person, and a fine gentleman. But as for learning, and other qualifications, expected in his station, he was thought to come short of the excellence of his predecessors. The king, therefore, to make the election pass at Rome, had an instrument drawn up, and addressed to the pope, in commendation of his uncle Boniface: he prevailed with the bishops and abbots to put their seals to it, though many of them are said to have been frightened into this compliance. However, several of the prelates were men of resolution, and chose rather to risk the king's displeasure, than sign the panegyrick. And some of the monks of Canterbury were so dissatisfied with their own votes, that they quitted their convent, and bound themselves to a perpetual penance in the Carthusian order. But though Boniface was chosen this year, he was not confirmed by the pope till two years after, nor consecrated till the year 1245.

Boniface
elected to
Canterbury.

Id. p. 555, 6.
Angl. Sacr.
pars 1. p.
115.

About this time, David, son of Llewellyn, prince of Wales, surprised his brother Griffin, under the security of a treaty, and imprisoned him. He was attended to his brother's court by Richard, bishop of Bangor, and by some other

David,
prince of
Wales, ex-
communi-
cated.

Welsh noblemen. The bishop, detesting this treachery, quitted Wales, excommunicated David, made his report of the barbarity to king Henry, and desired him to interpose for Griffin's enlargement. These two princes were both Henry's nephews, by his sister. Having, therefore, the motives both of relation and justice to engage him, he wrote a reprimanding letter to David, to give his brother his liberty, that without this he could neither wipe off the stain of the infidelity, nor be restored to the peace of the Church. David sent the king word, that if Griffin was released, the country would be immediately embroiled.

447. Griffin, on the other hand, acquainted the king, that in case his highness would procure his enlargement, he would hold his territories of him, take an oath of allegiance, and pay him an yearly acknowledgment. The king, having an invitation from some others of the Welsh nobility, marched down with an army towards Chester. David being apprehensive that his lying under an excommunication might weaken his interest, and that his army was too small to defend himself against the king of England, came to terms, gave his brother Griffin his liberty, and sent him to king Henry. This prince gained nothing more than the exchange of the place of his confinement; for king Henry imprisoned him in the Tower with some other Welsh noblemen, who were sent for hostages. Soon after, David, according to articles, came up to London, and took an oath of allegiance to the king. And thus all Wales was made a province to the English crown, without the hazard or expense of a battle.

Wales submits to king Henry.

Paris, p. 569, 570.

The death of Roger, bishop of London.

In this year, we are to assign the death of pope Gregory IX. and of Roger Niger, bishop of London. This latter prelate, besides what has been said of him already, was a person of great vigour in his administration: to give an instance; when Hubert de Burgh, earl of Kent, disgraced at court, and afraid of farther severities, took sanctuary in a chapel in the diocese of London; the king being extremely displeased with this minister, ordered his guards to drag him out for justice. Upon this, the bishop went to the king, complained of the breach of privilege, and threatened to excommunicate the guards unless Hubert was returned to the sanctuary. The king complied so far as to send him back, but ordered him to be so closely blocked up, that he

was forced to surrender for fear of starving. However, the bishop did not cease to solicit the king till he had procured the earl's pardon. Matthew Paris gives him the character of a venerable and holy prelate, and that he was of a very hospitable and humane temper, and eminent for his learning and preaching.

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III.
K. of Eng.

Paris, p.
576.

I shall close this year with the death of the empress Isabella, the king's sister, who was married to the emperor Frederick II. This princess, whom Matthew Paris calls the ornament of her country, died in childbirth in the beginning of December.

*Isabella, the
empress.*

The next year, the king being ready to make a voyage into Gascony, put the administration into the hands of Walter, archbishop of York, and constituted him viceroy of England.

A. D. 1242.
Conven-
tiones, Li-
teræ, &c.
tom. 1. p.
400.

The new pope, Innocent IV., sent the king of England a provisional bull of pardon, that in case he should happen to lay violent hands upon any ecclesiasticks, and fall under the censure of the canons, he might receive absolution upon submitting to the customary penance. This bull was lodged in the hands of Boniface, elect of Canterbury, and was to stand in force only four years.

An odd bull.
A. D. 1243.

This year, there happened a dispute between the convent of Canterbury and the famous Robert Grosteste, bishop of Lincoln. The occasion of it was this; a certain clergyman demanded a sum of money of the abbot of Bardeney, alleging it was a debt contracted by the abbot's predecessors. The abbot refusing to satisfy the demand, and being cited first before the archdeacon, and then to the bishop of Lincoln's court, refused to appear: and after some farther contest, appealed to the convent of Canterbury. It seems, he was informed, that during the vacancy of the see of Canterbury, the convent of Christ's Church had the privilege of receiving appeals. The bishop of Lincoln looking upon this method as altogether irregular, and being displeased that a person in his diocese should make his appeal to the province, without first bringing the cause into his ordinary's court, deprived the abbot, and ordered the convent of Bardeney not to own him under that character any longer. When the convent of Canterbury were informed of these proceedings, and that their privilege of receiving appeals was thus

Id. p. 417.

*A dispute
between the
convent of
Canterbury
and the
bishop of
Lincoln.*

slighted by the bishop of Lincoln, they convened a chapter, and solemnly excommunicated the bishop of Lincoln for invading the rights of the see of Canterbury, and failing in the duty of a suffragan. When the instrument of excommunication was brought to the bishop, he trampled it under his feet, and ordered the messenger to be apprehended, adding withal, that he did not desire the monks should ever pray for his soul in any other language. In short, he despised the monks' censure, and executed the episcopal functions with the same freedom as formerly. Neither does he seem to have done anything in this matter, but what was warrantable by the authority of his character, and the practice of the ancient Church. For how the metropolitcal jurisdiction should devolve upon a convent of monks, the best qualified of which, were no more than priests, is hard to imagine. To give priests an authority over bishops, and make a superior order liable to the censures of an inferior, is a contradiction to character, and inverting the order of the hierarchy. However, when the cause was afterwards brought to Rome, the convent of Canterbury pretended to this privilege both by common right and by grant from the pope. That the first branch of their plea was defective, appears by what has been said already; and as to their allegation of a papal grant, pope Innocent IV., in his letter to the convent, seems rather to deny it, and tells them expressly, that as yet they had never made use of any such privilege. But after all, he touches the point very tenderly; does neither expressly condemn, nor justify the proceedings of the convent, but only orders them to recall their censure.

448.

Paris, p.
601. 2. 5*Raley chosen
bishop of
Winchester
against the
king's
liking.*

William Raley, bishop of Norwich, was elected by the chapter of Winchester: and, notwithstanding the king's dissent, was confirmed in that see by the pope: and now he was generally owned as bishop of Winchester. But the king was so displeased with the convent, for not choosing upon his recommendation, that he ordered the mayor of Winchester to shut the gates against the bishop. The mayor, obeying the order, was excommunicated, with the monks of that party, and the city of Winchester put under an interdict. The bishop finding himself not able to ride out the storm, retired into France, and was honourably received there. At last, by the mediation of the pope, and

Id. p. 605.
607.Godwin in
Episc.
Winton.

Boniface, archbishop of Canterbury, the king recalled Raley, and admitted him to favour.

There happened, about this time, a clash between the Dominicans and the Franciscans; the contest was upon points of preference, and dignity of order. And though both these divisions were but of late erection, the Dominicans insisted upon the priority of their institution, the advantage of their habit, and the credit of their distinction, being called Predicadores, or the Preaching Fraternity: that this character had something of the apostolical function and dignity in it. The Minorites, or Franciscans, replied, that their order had greater marks of humility and mortification. That the preference, in these cases, ought to be measured by the degrees of discipline and self-denial. That for these considerations, theirs must be accounted the superior order, and that it would be a mark of improvement in the Dominicans to incorporate with them. And here the historian observes the surprising progress of these two orders in England; and that, notwithstanding they were lately planted, they were wonderfully improved in wealth and credit. Their cloisters were magnificent enough for a prince's palace, and nothing of their primitive poverty and profession was to be met with: when men of figure and fortune lay upon their death-beds, these monks were very careful to visit them. And thus, by encroaching upon the parochial clergy, and preferring their own order to all other spiritual guides, they prevailed with the sick to confess to them, and make clandestine wills for the benefit of their societies. In short, they ruined themselves up to such a general reputation, that few people thought they could be saved, unless they had a Dominican or a Franciscan for their director. And amidst all these pretences of sanctity, they were apparently swayed by interest and ambition: they made it their business to enlarge their privileges, and lie in the way of money and promotion, they made themselves masters of considerable posts at court: pressed up to the council-board; procured the management of the exchequer, negotiated marriages for princes and great men; and were extremely diligent in collecting the exactions of the court of Rome: and as for their preaching, they usually managed it very untowardly; their flights of satire and commendation were generally exces-

HENRY
III.

K. of Eng.

The misbehaviour of the Dominicans and Franciscans.

sive. And sometimes the secrets of confession were discovered by them. It was their custom to raise their own reputation upon the ruins of other orders: for instance; they accounted the discipline of the Cistercians, a rustick and unpolished rule. And as for the black monks, or Benedictines, they reckoned them no better than a proud epicurean clan.

Paris, p.
611, 612.

*A remon-
strance
against the
oppressions
of the court
of Rome.*

The English were now so harassed by the court of Rome, that they resolved to attempt a remedy, and make a public remonstrance. For, as to patience, and silent submission, they found there was no good to be done that way. They set forth in their complaint, "that these papal exactions were direct contradictions to primitive practice: that none of these demands were made in the time of St. Augustine, the English apostle. That when king Ethelbert endowed the churches of London, Canterbury, and Rochester, the revenues were designed for the clergy and monks of those places: they were intended to be spent at home, for the honour of religion, for the relief of the poor, and the benefit of the country: that other cathedrals and churches were endowed upon the same views, as appeared by the founders' charters; that this munificence of princes was always conveyed with reservations of service in three cases; that is, that the Church was bound to contribute her proportion in pontage, murage, and the expenses of war. Now, which way could these designs be answered? How could these services be performed, if the churches are thus polled by the court of Rome, and the revenues drawn off into foreign countries? And what is all this assistance for? Why, it is to enable his holiness to fight the emperor, that is, to put him into a condition for ravage and bloodshed; for burning of towns, and making a desolation in Christendom; and yet when the disciples asked our Saviour's permission to fight in his defence, saying, "Lord! shall we smite with the sword?" Our Saviour bid them put up their swords, and refused their service this way. They urged, that the emperor was nearly allied to the house of England: that the king's sister was married to that prince at the request of the Church, and that he had issue by her: and therefore, to enter into a contribution against the emperor, was, in effect, to impoverish themselves, to confound the best blood in the kingdom, and

destroy the royal family. Besides, such contributions would in all likelihood make the emperor break with the king, and not assist him in the recovery of his dominions. This complaint coming to the king's ear, he wrote to the pope upon that subject: and, in the close of the letter, desired his holiness not to take it ill if he contradicted his instructions in some cases. For he was bound by his royal office to do justice to all people, and redress the grievances of his subjects.

HENRY
III.
K. of Eng.
449.

Id. p. 622.

Id. p. 623.

These remonstrances, it is probable, were not very acceptable at the court of Rome, as appears by the schemes laid against the crown. For now the pope, whether out of interest or revenge is not certain, endeavoured to draw David, prince of Wales, from his late engagements to king Henry. The pope's design was, as the historian reports it, to make himself sovereign of the principality of Wales. David therefore, having promised to own his holiness under that title, and pay him the yearly acknowledgment of five hundred marks, was received into the pope's protection, and supported in his rebellion against king Henry.

Id. p. 624.
626.

This year, the abbot and monks of Pontiniac in France, wrote to the pope to move for the canonization of St. Edmund, the late archbishop of Canterbury. In their address, they acquaint his holiness, that this pious prelate was buried in their cloister, and that all sorts of miracles were wrought by his interest and intercession. They tell the pope, that they shall be brief in the recital, and report nothing but what they have been either eyewitnesses of, or received from good information. For instance; they acquaint him that those who were born blind, had the privilege of sight; those who were lame from their cradle, walked like other people; the deaf and dumb had new senses; the paralytick were cured, and devils driven out of persons possessed. In short, people were relieved under all sorts of maladies and distress, by the prevalence of this saint; but the narrative being long, I shall give the reader no more of it. Now, that the monks of Pontiniac were not mistaken in reporting matter of fact, nor misapplied the miracles to the wrong cause, is farther than I shall vouch, notwithstanding the evidence produced by Matthew Paris.

*A motion
for the cano-
nization of
St. Edmund.*

Id. p. 627.

This year, there was another harpy dispatched into England, from the court of Rome. This Martin, for that

was his name, was furnished with an unprecedented commission; and though he wanted the title of a legate, his powers exceeded those of that character. He was extremely oppressive in his impositions; arbitrary in his disposal of benefices; and was always producing new authorities to justify his extravagance and avarice. Insomuch, that it was said, he came over with a parcel of blank bulls, which he had the liberty to fill up at discretion. But Matthew Paris seems not to allow so hard an imputation upon the pope. This Martin applied to the court for countenance in his exactions. The king told him, the Church was in no condition to contribute, and sent him away dissatisfied.

A new order of Religious.

In the beginning of winter, there appeared a new sort of Religious at the bishop of Rochester's synod. The historian calls them Cruciferi, or Cross-bearers; because they had crosses upon their staffs. They demanded a settlement, and produced an unheard of privilege from the pope: by virtue of which, they were neither to be checked, reproached, nor commanded by anybody: and whosoever was so bold as to control them, they had an authority to excommunicate forthwith. Now, people of sense, (as Matthew Paris reports), were amazed at the extent of their privilege, and the latitude of their commission; and objected amongst other things, that the licensing this new order was a direct breach upon the canons of the late council of Lateran.

Id. p. 650.

This year, the canons of Chichester chose Robert Passelew, lord-treasurer, for their bishop. This choice they knew would be acceptable to the king: for Passelew had been very serviceable to the exchequer, was a great favourite, and well qualified for business: but the elect of Canterbury, and most of the bishops, were displeased with his promotion; for when they came to examine him, they found him very defective in the learning fitting his character; though as Matthew Paris will have it, they put him upon too rigorous a test: but, it seems, the bishops were of another mind, and therefore, making void his election, Richard de la Wich was chosen in his place. The king not having been applied to for his consent, was angry at the proceedings, and refused to restore the temporalities. However, De la Wich got over these difficulties in a short time, and held the see.

Id. p. 652.
Godwin in
Episc. Cice-
stren.

In the beginning of the next year, the king kept his Christmas at London. At this solemnity he knighted one John de Gatesden, a clergyman. This Gatesden was a great pluralist; but resigned all his benefices before his knighthood. To proceed; some of the Roman conclave, who had a mind to make a penny of the king, sent a letter to persuade him to give the pope an invitation into England. They told him so great a visit had never been made in the time of his predecessors: that his holiness's coming into his dominions, would be very advantageous to the country: and being the peculiar honour of his reign, would prove serviceable to his memory. The king would have fallen into the snare, had it not been for the advice of some of his council, who saw farther. They told him, the kingdom had been sufficiently raked already by the Caursins, and Italian clan; and that there was no need of his holiness' company to plunder the remainder. The pope, who was at the bottom of this letter, made an attempt to visit the French and Aragonians, but was denied in both places. For now, as the historian observes, the court of Rome was scandalous for its avarice, to the last degree.

HENRY
III.
K. of Eng.
A. D. 1245.

Paris, p. 652.

About mid-lent, the pope's nuncios arrived in England; their commission was to publish their master's bull for convening a general council at Lyons. The business for which the council was called is mentioned in the bull. It was to restore the affairs of Palestine, which were now in a lamentable condition; to support the Latin empire at Constantinople; to repel the incursions of the Tartars, and to settle the dispute between the Church and the German emperor. The time assigned for the meeting was the feast of St. John the Baptist next ensuing.

*The pope's
summons to
the council
of Lyons.*

Upon this summons, many of the English bishops prepared for their voyage; but some excused themselves upon the score of age, or business at the king's court, and sent their proxies.

About a month before the sitting of the council, there happened a fire in the pope's apartments at Lyons. By this accident, as Matthew Paris informs us, it was commonly reported, that scandalous charter was burnt which king John had signed to Pandulphus; by virtue of which, the kingdom of England was made a fief to the Roman see.

Id. p. 658.

BONI-
FACE.
Abp. Cant.

Boniface of Canterbury had his character completed at last, and was consecrated by the pope at Lyons. This prelate being better qualified for a general than an archbishop, the pope made him captain of his guards; and gave him an authority to keep the peace, and secure the council from disturbance.

The emperor's offer of agreement with the pope.

Id. p. 629, 630, 631. 663.

He is deposed in the council.

The council was opened at the time appointed, and consisted of about a hundred and forty bishops. Bigod, earl of Norfolk, and several other barons were also sent thither from the king and the English nobility. The emperor likewise sent his agents with instructions to offer terms to the pope. And here, his imperial majesty promised to bring all the Greeks to an union with the Church of Rome; to raise a numerous army against the Tartars and Saracens, and to assist the Christians of Palestine to the utmost of his power; to make restitution for what had been taken from the see of Rome, and give satisfaction for all injurious usage. To this the pope answered, that he had no reason to depend upon these specious promises: and that the proposal was no better than an artifice to evade the discipline of the council. It seems the emperor had solemnly engaged himself to these articles the year before, but quickly repented, and broke the agreement. The pope, therefore, being at the height of his encroachments, and full of the Hildebrandine spirit, deposed the emperor, absolved his subjects from their allegiance, commanded the empire not to own him for their sovereign any longer, and excommunicated all those that should aid or assist him under that character; and, to finish the matter, he gave the electors leave to choose another emperor.

This extraordinary sentence was pronounced in open session, without the least opposition of the council, as far as it appears. On the contrary, Matthew Paris reports, they were all terribly frightened, and, as it were, thunder-struck at this flash of authority: which is the more remarkable, considering that the emperor of Constantinople, the king of England's agents, and the count of Toulouse were present.

To proceed: Mr. William de Poweric, one of the English proxies, read a list of the grievances of the kingdom, in council. It was penned by way of address to the pope, in

the name of the English baronage and commonalty. The contents of their letter have been, most of them, mentioned already. In short, they complained of the intolerable exactions of the court of Rome: that their livings were disposed of to foreigners; men who neither understood English, nor were otherwise qualified for Church preferment. That the pope's agents claimed the assets of all the clergy that died intestate; that they sometimes took a third part, and sometimes half the revenue of those who were non-resident; and that this excise was laid upon them for three years together. They complained farther, that the Italians received above sixty thousand marks yearly from the Church, which was more than the crown revenues. And to mention but one thing more, they remonstrated that the non-obstante clause in the pope's bulls, was a sweeping and scandalous one, and occasioned intolerable oppression. At the close of the letter, they told his holiness, that these were detestable impositions, that the burden of them was not to be borne, and that they hoped his holiness would apply a speedy and effectual remedy.

HENRY
III.
K. of Eng.
*The remon-
strance of
the English
agents.*

Though the agents pressed for an immediate answer to their address, the pope pretended business, and took some farther time for consideration.

When the council broke up, and the emperor understood their proceedings, he was extremely enraged against the pope, put his crown upon his head, and declared the council should never over-awe him to part tamely with his dignity; and to engage the princes of Christendom to his interest, he wrote to them, dilated on the barbarity of the usage, and endeavoured to provoke their aversion against the court of Rome.

In his letter to the king of England, he sets forth, that pope Innocent IV. had presumed to depose him in the council of Lyons, though he had neither cited him to the assembly, nor proved any injustice against him; that in case he had misbehaved himself, the pope had no authority to dispose of his property, or punish him in his temporal concerns. That this bold sentence was a dangerous invasion of the rights of princes; that it was not the first time crowned heads had been thus used; that he was resolved to maintain his station, and endeavour to bring the haughtiest of the clergy

451.
*The em-
peror's letter
to the king
of England.*

BONI-
FACE.
Abp. Cant.

Id. p. 680.

to more modesty and justice; that he would retrench their grandeur, and reform them to the primitive practice; that in the first ages they lived like apostles, and made an humble figure. That under this private and unpretending appearance they were visited by angels, had the honour of a correspondence with heaven, and the privilege of working miracles: they cured diseases, and raised the dead: and when they conquered princes, it was by strength of character and exemplary piety, and not by drawing their swords and raising armies against them. But now, that order is strangely degenerated: the clergy are now all interest and ambition: they are debauched with their prosperity, and religion is almost choked with too much nourishment. It will be therefore a charitable undertaking to force them out of these circumstances of danger; to rescue them from their wealth, and reduce them to a mediocrity: "And therefore I hope your highness, and all other princes of Christendom, will join with me in the pursuit of this enterprize."

From this letter, the historian observes, the emperor discovered his ill intentions to the Church; that his passion had thrown him off his guard, and divulged his secrets; but, waiving the remarks of Matthew Paris, it must be said, the emperor was outrageously ill-used, and had reason for his resentment. However, many of his expressions are pushed too far, and by no means defensible. His satire against the Church in general, will hold good against the rich laity, and bring all things to the plan of the leveller's. For that wealth and power are no more dangerous to the clergy than to other people, is too evident to be denied. Of the two, one would think the Church should be the better fortified; for without asserting any extraordinary assistances of grace to that function, which is, I hope, no unreasonable supposition; without the help of this argument, I say, the clergy seem to have the advantage; for, besides the common reasons against misconduct, they are under peculiar restraints from their character. Unless, therefore, we will suppose that the most extravagant and ungovernable part of the world belong to this order, they must, of course, be more regular than other people; and, I believe, upon an impartial enquiry, experience will abundantly make good this observation.

After the emperor was thus deposed, the pope's party set up Henry, prince of Hesse; but Frederick maintained his claim, and maintained his ground; neither was the pope, nor any other prince successful enough to prevail against him. He despised the pope's censure, kept the crown upon his head, and had a considerable part of the empire in his interest to his dying day. He marched into Italy after his pretended deposition, and distressed the pope and his adherents to such a degree, that he made his holiness's life a burden to him, and heartily to repent his proceeding to those extremities. This unhappy contest embroiled the Italians, and gave occasion to the rise of the Guelphs and Ghibellines, which factions continued a great while, and pursued each other with the utmost rage and aversion. As for the emperor, when he came to die he was not of the opinion of his letter above mentioned; for, in his will, he ordered a reparation to those churches which had suffered by him.

HENRY
III.
K. of Eng.

The emperor keeps his crown notwithstanding the pope's censure.

Concil. tom.
11. col. 675.
ex Trithem.
Paris, p.
804.

The English agents return dissatisfied.

To return to the council: the English agents, to whom the pope had given an expectation of satisfaction, were at last disappointed. When they found their application was to no purpose, earl Bigod, with the rest, retired with all the signs of resentment, and swore they would never truckle so far to Roman avarice as to be brought under tribute and contribution; neither would they suffer the revenues of their churches to be seized, and carried off by foreigners. The tribute they so much resented, was the yearly payment of a thousand marks, covenanted by king John. They complained that the court of Rome took advantage of that prince's necessities, and extorted this acknowledgment from him when he was distressed by his subjects; that the nation was dissatisfied with the submission; that Stephen, archbishop of Canterbury, entered a protestation against it in the name of the whole community; and that neither their ancestors, nor themselves, would ever endure such a mark of slavery. The pope was so politick as to pass over this menacing, and wait for an opportunity of exerting himself. In the meantime he sent a peremptory order to the English bishops to put their seals to that lamentable charter delivered to Pandulphus by king John; which, it seems, the bishops were so tame, and over-timorous as to comply with. The king being apprehensive that the prelates might be carried

Westmo-
nast. ad An.
1244. Wal-
singham,
Hypodigma
Neustr. ad
An. 1245.

BONI-
FACE.
Abp. Cant.

452.

*The English
bishops
forced to
sign king
John's char-
ter and the
deposing
bull.*

Conven-
tiones, Li-
teræ, &c.
tom. 1. p.
434.

Paris, p.
681.

Conven-
tiones, Li-
teræ, &c.
tom. 1. p.
437. 444.

*A dispute
between the
bishop and
chapter of
Lincoln.*

Paris, p.
689.

too far, and overborne by the pope's authority, sent them an order, at their going to the council, not to consent to anything prejudicial to his prerogative; putting them in mind that they were bound by their oath of allegiance to maintain the rights of his crown; and that, in case they failed in their duty, they must expect to lose their temporalities.

How far the bishops misbehaved themselves in this point I shall not determine; but it is certain the king was extremely displeased at the meanness of their compliance, and swore he would never be made an homager to the court of Rome. The pope's being so earnest with the bishops to sign king John's charter, looks as if the original was burnt in the late fire at Lyons; for if the old authentick instrument was remaining, what need was there of any farther corroboration, what occasion for pressing the bishops to so unacceptable an expedient? Besides their putting their seals to this charter, the English prelates complied still farther with the rest of the council, and signed the deposing bull against the emperor.

This year, the pope granted a bull for pluralities to noble-men's sons, provided they were well qualified as to learning and morals. And not long after, he dispensed with the court clergy for non-residency.

Groteste, bishop of Lincoln, who had a cause depending in the court of Rome, prevailed at last against the canons of his cathedral. He set forth, in his appeal, that by virtue of his episcopal office he ought to have a jurisdiction over the dean and chapter, to enquire into their management, and punish them as their misbehaviour deserved; that at the election of a dean his consent ought to be asked; that the dean and prebendaries ought to swear canonical obedience to him at their instalment; that when any of these dignities are vacant, the sequestration of the profits ought to lie in the bishop's hands. These, and some other privileges, which the bishop claimed, were denied by the dean and chapter: to mention only one instance; the chapter pretended a right to choose a dean, without leave from the bishop; now, though the bishop gained the cause, it was not without some abatement to his claim; it is true, the pope allowed him to visit the dean and chapter, the clergy of the choir, and all the chapels and parishes belonging to the

cathedral; but then the chapter was not to pay procurations at the bishop's visitation; and as for those disorders which were customarily punished by the chapter, that jurisdiction was continued to them, provided they proceeded to censure upon the bishop's admonition, otherwise the discipline was left to the bishop and his successors. The chapter, likewise, was ordered to pay canonical obedience to their bishop; but the pope was so scrupulous as not to bind them to swear or promise any such submission, because, it seems, there was no custom for any such solemn profession. I have mentioned the issue of this contest, because it gives some insight into the state of cathedrals in this age.

HENRY
III.
K. of Eng.

The pope began now to discover his resentment at the late remonstrance of the English agents. He was extremely ruffled that they should dispute the yearly payment of the thousand marks, and question his new sovereignty over the crown of England. To revenge himself, he endeavoured to persuade the king of France to invade king Henry, and either to seize his kingdom, or, at least, humble him to an entire submission to the court of Rome; but the king of France excused himself to his holiness, told him he was under the engagements of a truce, that the enterprise would occasion the effusion of a great deal of Christian blood, that the Holy Land wanted his assistance, with some other reasons not necessary to mention.

The pope attempts to persuade the king of France to invade England.

This year, Alexander Hales departed this life. He had his surname from Hales in Gloucestershire, where he was born, or, as some say, from the monastery of Hales, where he received his first education. After he had studied for some time in England, he travelled into France, and settled at the university of Paris, where he was king's professor of divinity. He was likewise a great canonist. In short, he had a great reputation for a general scholar, and had the title of the Irrefragable Doctor, with some other creditable distinctions. He made a postil upon the whole Bible, and wrote several other tracts. His principal performance was a summary, or commentary, in four books, upon the master of the sentences. This work, as the learned Du Pin observes, discovers more skill in logick and metaphysics, than in the antiquities of the Church.

Pits de Illust. Angl. Scriptor. Du Pin's New Eccles. Hist. cent. 13. A. D. 1246.

The Predicants, or Dominicans, being fortified with

BONI-
FACE.
Abp. Cant.

*The en-
croachment
of the Do-
minicans.*

453.

Paris, p.
693. et
deinc.

authority from the court of Rome to preach and take confessions, made intolerable encroachments upon the bishops and parochial clergy; they were now grown so hardy as to appear at diocesan synods and maltreat the bishops and clergy; they produced their instruments of privilege, insisted upon the reading of them in open synod, and demanded the liberty of preaching either in parochial churches, or wherever they thought fit. Neither were they only thus troublesome to the secular clergy, but the ancient monasteries were sometimes disturbed with them. To make way for their interest they used to charge the parochial and monastick priests with ignorance and incapacity. They understood nothing of divinity as they said, never studied the canon law, nor had any skill in resolving cases of conscience. They were blind guides of the blind, therefore there was a necessity to apply to these Predicants, who, if their own word was to be taken, were wonderfully learned and judicious, qualified to disentangle the most difficult questions, and thoroughly acquainted with all the mysteries in religion. This assurance, this flourishing upon the qualifications of their own order, and decrying others, brought them into great business; inso-much that many people of quality, and especially women, deserted the parochial priests, and confessed to these Dominicans. Thus the character of the secular clergy sunk, the discipline of the Church was broken, and the government drawn, as it were, into a new channel. This innovation gave occasion to disorder and dissolution of manners; for the people, finding themselves under no necessity to confess to the priest of the parish, took the greater liberty in misbehaving themselves. For the shame of confessing to their own rector was a restraint upon their conduct, and accounted the hardest part of the penance; but now they broke through their duty with less reluctance, in hopes of meeting with a Dominican or Franciscan confessor. For these friars, generally travelling about, making no stay where they came, and being strangers to their penitents, the people did not count it any mortification to disburden their consciences to those they were thus unacquainted with, and never likely to see again.

And after all, this privilege of receiving confessions, granted to the Dominicans and Franciscans, by Gregory

IX. and Innocent IV., was a direct breach of the canons of the fourth council of Lateran: for by this synod it was decreed, that none should make use of a foreign confessor, without leave from the parish priest.

HENRY
III.
K. of Eng.

Paris, p.
693 et
deinc.

This year the king sent forth a proclamation, to prohibit those who brought bulls for papal provisions, to travel about the kingdom, and make money by these instruments; and if any person was found with this tackling about him, he was to be apprehended, and committed to prison. By the way, provisions were papal grants of benefices, to take place upon the next vacancy.

A list of
grievances
sent to the
court of
Rome.

Ibid.

This year, in Mid-Lent, the king convened a parliament to London: at this session he laid a list of the encroachments of the court of Rome before the bishops and barons: they are digested into several articles.

The first article sets forth, that the pope not contented with the contribution of the Peter-pence, had wrested a great sum of money from all the English clergy; and that he was endeavouring to continue the same impositions, and make them heavier; and that all this, being done without the king's consent, was a manifest breach of the ancient customs, liberties, and privileges of the kingdom, and in direct contradiction to the remonstrance made by the English agents at the council of Lyons.

The second article complains of the encroachment upon the right of patronage by papal provisions.

The third declares against charging the clergy with pensions to be paid out of their respective preferments: and adds, that the pope had promised in a late bull, not to dispose of more than twelve benefices for the future, but that his holiness had very much failed in the performance.

The fourth grievance was, that Italians succeeded each other in Church preferments, and that by the pope's authority, the English were summoned out of the kingdom, and cited into foreign courts: that this practice was contrary to the customs of the realm, and indeed to all law and equity; inasmuch as no persons ought to be forced to refer their rights to judges of partiality and prepossession, or try their title in an enemy's court.

In the fifth article, they complain of the misbehaviour of the beneficed Italians, and their misapplication of the Church

BONI-
FACE,
Abp. Cant.

revenue: that by these promotions, the endowments were altogether mispent: that these foreigners neither relieved the poor, nor maintained hospitality; neither preached, nor performed divine service: in short, they failed in almost every branch of their function, kept their churches unornamented, and suffered them to run to ruin.

They complain farther, that the pope had lately sent his briefs to several English prelates, commanding some of them to find five, some ten, and some fifteen gentlemen, to serve on horseback in the pope's troops, and to subsist and pay them for one year at their own charge:—that such military service was due to none but the king, and the great lords of the kingdom; and that the imposition was altogether unprecedented. And to prevent the king's providing against this oppression, the nuncios bound the English prelates to secrecy under the menaces of excommunication: and charged them not to discover what money was wrested from them by the court of Rome, till half a year after it was paid. And lastly, they remonstrate against the archbishop of Canterbury's having a grant of the profits of all the vacant benefices of the province of Canterbury for a year: and that, by this grant, the rights of patronage were invaded.

*The king,
the bishops,
the barons,
&c. write to
the pope for
redress.*

These grievances were laid before the pope, and delivered by a solemn embassy. And to make the remonstrance more effectual, the king, the bishops, the barons, and abbots, wrote each of them a letter to the pope upon this subject.

The king acquaints the pope with the danger of the conjuncture; that the impositions of his holiness's agents had discontented his subjects to the last degree: that he was very uneasy under their complaints; and that, unless there was a speedy stop put to these oppressive practices, the consequence was likely to prove very unfortunate both to the court of Rome and himself.

454.

The bishops' and abbots' address is much to the same purpose. They tell the pope that the exactions of his ministers had made a terrible commotion in England, and compared it to the wind in Job, "that smote the four corners of the house;" that the face of the Church was perfectly overcast, and mirth changed into mourning; that unless

they were treated with a gentler hand, and a remedy provided, it was to be feared the discontents of the people might grow to an insurrection, and make them forget their duty both to his holiness and the crown; that they were already upon the verge of rebellion, and, without speedy satisfaction, disposed to throw off their allegiance; that in case the Church preferments were disposed of to Italians, the great men threatened to seize the endowments, and revoke the munificence of their ancestors. And, in short, unless matters were differently managed, the Church must suffer extremely, and all things run into confusion.

HENRY
III.
K. of Eng.

The remonstrance from the barons and commonalty, both clergy and lay, speaks still louder. In this address, after a preamble of ceremony and respect, they give the pope to understand, that unless their grievances were redressed, they should be forced to undertake the matter themselves, and interpose for the common liberty; that hitherto, out of regard to the apostolick see, they had forborne the use of such an expedient; but now they could suffer the Church and kingdom to be harassed no longer; and therefore, unless his holiness put a check to these disorders, he might be assured that the interest of the court of Rome would be so far embarrassed in England, that it would be a very difficult matter to restore it to its former condition.

The pope being unwilling to lessen his revenues, or lose any part of the advantage he had lately gained, continued his impositions upon the English. To put a stop to these encroachments, the king wrote to the prelates and abbots not to suffer the pope's agents to levy any money upon them, under the penalty of forfeiting their baronies.

Paris, p.
699 et deinc.
Annal. Mo-
nast. Burton
p. 306 et
deinc.

See Re-
cords, num.
36.

Paris, p.
707, 708.

*The pope
continues
inflexible.*

The pope, notwithstanding this opposition and remonstrance, was resolved to stand the hazard and pursue his point. And to this purpose, he ordered the bishop of Norwich to collect the money, and excommunicate those who refused to pay their proportion; all privileges, grants, and canons of general councils to the contrary notwithstanding.

The English were surprised at these arbitrary proceedings at a time when they expected redress. And the king, compliant as he had been to the court of Rome, was much displeased at this usage. He therefore sent a strict

*The king
forbids the
collecting
any money
for the pope.*

BONI-
FACE,
Abp. Cant.
Paris, 708.

charge to the bishops commissioned by the pope, not to collect the tax; and if they had received part of it, to keep it by them till farther order, and not to suffer it to be carried out of the kingdom.

These counter-orders of the king and pope perplexed the clergy and religious, and put them to a stand which way to act. Had they been assured of the king's steadiness, they would have adhered to him; but knowing him to be a person of a flexible temper, and that it was no difficult matter to make an impression upon his courage, they went over many of them to the pope.

Recalcitrat
et Frederi-
zat.

And now, the ambassadors returned from Rome with a very rugged incomplicant answer. The pope was resolved not to make the least abatement of his demands, seemed very much disconcerted with the ambassadors, and received them with an air of stiffness and grandeur. And when they complained of the oppressions of the Church and kingdom, the pope told them, that the king began to grow restive and turn Frederick. "But he is at liberty," said he, "to take his own measures; and I shall take mine." And now, the English were under a great discountenance at the court of Rome, and looked upon as little better than schismatics; and if they had any business depending, they were scarcely allowed to dispatch it.

But after-
wards yields
to the en-
croach-
ment.

The king and the great men were very angry, as they had reason, at this treatment. And an order was immediately issued to make proclamation in all towns, courts, and public meetings throughout the kingdom, not to contribute a penny to the pope's assistance. This defence of property enraged his holiness, who immediately wrote a menacing letter to the English prelates to see the money collected, and paid in to his nuncio upon the 15th of August; and that under the penalty of being suspended and excommunicated. And now, when the matter was brought to the test, and there was a handsome appearance of making a stand against the Roman encroachments, the king's courage sunk, and gave way. It is said, he was overawed into this mean compliance by his brother, Richard, earl of Cornwall, by the bishop of Worcester, and some other prelates in the pope's interest. And thus the noble design of the bishops and barons miscarried, the hopes of English liberty were lost, and

the Church and state became a prey to Roman avarice. However, the pope being not yet informed of his success, broke out into a great passion at the English obstinacy, and resolved to take his revenge by an interdict. When John, an English cardinal, perceived his holiness disposed to these extremities, he accosted him in this manner:—"Sir," says he, "for God's sake moderate your anger; and, if I may be allowed to say so, check these sallies of indiscretion. I beseech you, consider the distemper of the times, and that the days are evil; consider, the Holy Land is in danger of being swallowed up by the infidels; the Greek Church has taken her leave of you, and the emperor Frederick, the most powerful prince in Christendom, is in the field against us; consider that yourself and your conclave of cardinals are banished from your see and forced to retire into a foreign country; that Hungary and the neighbouring provinces are terribly threatened by the Tartars, and that Germany is almost torn in pieces by a civil war. As for the French, sir," says he, "we have beggared them to such a degree, that they are almost ready to rise upon us. And then, as to England, we have treated that people so long like beasts of burthen, spurred and kicked them so unmercifully, that at last they begin to surprise us with their clamours, and break out into complaints like Balaam's ass. In short, we lie under a general odium, and have in a manner made ourselves the aversion of all Christendom."

HENRY
III.
K. of Eng.

*An English
cardinal's
reprimand-
ing speech
to the pope.*
455.

The pope, instead of relenting after this advice, was rather transported to a greater rage, and resolved to push his point, and proceed to enforce discipline. But as it happened, he had no occasion to exert himself, for now his nuncios arrived, and brought him the acceptable news of the compliance in England.

Paris, 715.

I have already observed, that the pope laid claim to the assets of the clergy who died intestate. Now, by his decretal, a clergyman was said to die intestate when he was surprised by any violent disease to such a degree, that he could not give any clear or methodical instructions for making his will: but desired some friend who had been pre-acquainted with his mind to draw it for him. Now such a disposition as this the pope would not allow: but the person was reputed to die intestate, and the goods were seized by

*The pope
gives up his
claim to the
goods of the
intestate
clergy.*

BONI-
FACE,
Abp. Cant.

Id. p. 724.
A. D. 1247.

*The eccle-
siastical
courts re-
strained.*

Id. p. 727.

*The bishop
of Durham
resigns.*

the Franciscans, for his holiness. But this constitution being everywhere declaimed against as a scandalous invasion of property, the cardinals, at last, prevailed on him to revoke it.

The king, taking a hint from the late precedent of the French barons, made several laws to restrain the encroachments of the court of Rome. For instance, the spiritual courts were forbidden to take cognizance of perjury or breach of faith, when any of the laity were prosecuted upon these crimes before a judge ecclesiastical. Ecclesiastical judges are also forbidden to try any causes where the laity are defendants, unless in cases matrimonial and testamentary. The king likewise prescribed the bishops a certain form to proceed upon in cases of bastardy; by virtue of which, they were to direct their enquiry, whether the issue were born before matrimony or not. To proceed, all clerks were prohibited by a writ, called *indicavit*, from commencing any suit for tithes in the spiritual courts. The clergy were likewise obliged to take an oath before the king's justices to purge themselves, that they had not prosecuted their claim in any action contrary to the king's prohibition: whereas formerly they were not obliged to swear in spiritual causes except before an ecclesiastical judge.

The next thing I shall remark, is the resignation of Nicholas de Fernham, bishop of Durham. This Nicholas being eminent for his learning, and unblemished in his life, was unanimously chosen by the monks of Durham, in the year 1241. He began his studies, in academical learning, at Paris, where he continued several years. From hence he removed to Bononia, where he was eminent for his skill in medicine: at last he turned his studies to divinity; in which profession he made such considerable improvement, that he was thought well qualified for the chair. And thus, having the character of a person of great learning, probity, and experience, he was recommended to the king and queen, and made both their confessor and physician. He gave great satisfaction at court, and it was with great difficulty that he was prevailed on to accept the bishoprick of Durham. For, having formerly refused the see of Lichfield and Coventry, he was afraid his acceptance of Durham would prove unserviceable to his reputation, and bring him under an im-

putation of covetousness or ambition: but at last, being pressed upon motives of conscience and publick interest, he yielded to the importunity of his friends. And now after eight years' government, finding himself infirm and disabled by age, he resolved to quit, and had three manors allowed him by the pope, for his maintenance. He spent his retirement in religious exercises, and died in the year 1257.

HENRY
III.
K. of Eng.

Id. p. 549,
550. et 759.

The see being thus vacant, the king recommended his half-brother, Ethelmar, to the monks of Durham. The convent, who thought themselves obliged to refuse the king, put him in mind, in a very submissive manner, of the solemn engagements he had made at his coronation: and how he had sworn to maintain the liberties of the Church, and not overrule the chapters in their elections. "Now, sir," say they, "it is very well known your highness's brother is neither furnished with age, nor learning, to qualify him for so weighty an employment." The king told them, it was in his power to keep the bishoprick eight or nine years in his hand, and by that time, his brother would be quite old enough to be their bishop. Lewis IX., of France, commonly called Lewis the Godly, was now preparing for an expedition to the Holy Land. This enterprise was well relished by many of the English nobility, who sold their estates to equip themselves for the voyage. The bishops of Worcester and Hereford, and several others of the clergy engaged in the service: and not long after the king himself undertook the crusade, and received the usual solemnities from the hands of the archbishop of Canterbury. The king, for reasons of state, did not prosecute the voyage: but many of the nobility set sail for France, and were well received by king Lewis, who gave his subjects a prudent caution, not to clash with the English, and make the design miscarry, as had formerly happened in the reign of king Richard.

*The monks
of Durham
refuse to
choose the
king's half-
brother for
their bishop.*

A. D. 1249.

Ibid.

*A brief ac-
count of the
holy war.
Id. p. 773,
774.*

456.

In short, Lewis, with the English auxiliaries, set sail for the Levant, took Damietta in Egypt, and gained two battles over the infidels: but this success was only of short continuance. For the king's troops, being encamped near to Pharamia, Melec Salah, son of sultan Meledin, came up, and enclosed him with a great army: and thus the passes being taken, and the provisions cut off, famine and diseases began to seize the Christians, and reduce them to a most

BONI-
FACE,
Abp. Cant.
A. D. 1250.

deplorable condition. Insomuch, that not long after, the whole army was defeated, and the king with his two brothers, the earls of Poictou and Anjou, the earls of Bretagne and Flanders, and a great many other noblemen, were taken prisoners. This misfortune forced the king to make a disadvantageous treaty with the sultan; the articles of which are related by the patriarch of Jerusalem in his letter to the Roman conclave. To be brief, the king of France was forced to resign Damietta; to pay eighty thousand bezants, or double-ducats of gold, for his own and his men's ransom; and to leave Jerusalem, Bethlehem, and all other places the Christians had lately lost, in the Saracens' hands. After this, the king embarking with the remainder of the Christian army, landed at Acre, took Tyre and Cæsarea, fortified some towns, and made a progress to those places usually visited by pilgrims: but being informed of the death of his mother, Blanche, the queen regent, he returned to France in the year 1254.

Annales
Monast.
Burton, p.
310.
Mezeray
Hist.
France.

To return to England: this year, as near as it can be computed, Walter Gray, archbishop of York, made an order at a visitation held at York with reference to the holy vestments, and other church furniture and ornaments; and since the particulars of this constitution throw light on the customs of the Church, and discover the forms and circumstances of religion in those times, I shall mention some of them.

The constitution, which reached the province, enjoins that the customary habits for the priest, the deacon, and subdeacon, should be everywhere provided at the charge of the parish; and that these habits should be proportionably rich, according to the ability of the inhabitants. That they should be provided with a cross for processions, and another lesser one for use at funerals:—that they should likewise have a bier for the corpse, a vessel for holy water, *osculatorium*, or a picture (probably of our Saviour, or the blessed Virgin) for the people to kiss; a candlestick for the paschal taper; an incense pot, a lanthorn with a small bell, which was made use of when the sacrament or host was carried to the sick. They were likewise to be furnished with a veil or curtain to screen the altar from sight in Lent, and with two candlesticks, *pra ceroferariis*, that is, for those

that lighted up the tapers, and carried them from one place of the church to another, which was the business of the Acolythi where there were any. As for the books for divine service; they were to be provided with these following, *Legenda, Antiphonale, Graduale, Psalterium, Troparium, Ordinale, Missale, et Manuale.*

HENRY
III.
K. of Eng.

The Legend was a book of the lives of the saints, to be read upon holy days, according to the direction of the rubrick. The Antiphonale was a collection of the Antiphonæ, appointed for the annual course. These Antiphonæ were an alternate responses of psalms, or other hymns; or, in a stricter sense, the Antiphonæ were short sentences taken out of the Psalms, and particularly expressive of the mystery of the day; which sentences were introductive hymns to the Psalms appointed for the occasion. The Graduale was a book which taught the priest and the choir how to sing mass. It is true, the Graduale is sometimes taken in another sense, i. e., for the verse which is sung after the Epistle, which was formerly sung upon the steps of the altar; and Ugutio will have it called Graduale, because the musick was always rising from one note to another. Linwood observes, that by the Graduale, in this place, we are to understand an entire book, which comprehends the office used at the sprinkling of holy water, the *Kyrie eleeson*, the *Gloria in excelsis*, the *Gradualia, Hallelujah*, the *Tractus, Sequentiæ, Symbolum cantandum in Missa, Offertoria, Sanctus Agnus, Communio*, with some other parts of the office which was sung by the choir at high mass. The Psalterium is the Psalter, or Book of Psalms. The Troparium, or Tropeum, is a collection of the Sequentiæ, which book is necessary when the Sequences are not to be found in the Graduale: by the way, these Sequences are hymns of exultation. The Ordinale is a sort of directory, or rubrick book, for the performance of service. The Missale is taken in the modern sense, and needs not be explained. The Manuale was a book containing directions for the administration of the sacraments, and performing those ceremonies which they called *Sacramentalia*: it furnished the Church with a form for the benediction of fountains, and other things which, according to custom, had those solemnities past upon them. And Linwood is likewise of opinion, that by the Manuale

BONI-
FACE,
Abp. Cant.

we are to understand a collection of those offices which are made use of in processions. And since I have mentioned Linwood, I must take notice that he observes, that the Legend was a book which prescribed the lessons for morning service, which lessons were frequently taken out of the Old and New Testament. These days were marked in the Legend; and, at other times, the Homilies of the Fathers, and the Lives of the Saints were made use of. And, as to the Antiphonarium, besides what hath been already mentioned, he tells us it takes in the hymns, the Invitoria, the Responsorialia, the Collects, &c.

To proceed with the archbishop's constitution; he ordered the parish to provide an altarpiece for the great altar, three surplices, a decent pix for the host, a banner for rogation days, bells and ropes; a baptismal font, with a lock to it, a chrismatory, or vessel for keeping the holy oil used at baptism and confirmation. They were likewise to provide images; particularly a principal figure for the chancel, which was to represent the saint in honour of whose memory the church was consecrated. The parishioners were likewise to renew the books and vestments as often as occasion required. And, lastly, they were to repair the body of the church and the steeple, and the walls of the churchyard.

Spelman,
Concil. vol.
2. p. 291.
Linwood
provincial.
l. 3. tit. 27.
p. 251. Edit.
Oxon. Du
Fresne
Glossar.
*The bishop
of Lincoln
excommu-
nicates the
high sheriff.*

The repairing of the chancel and the parsonage-house, and the providing desks, benches, and other ornaments of the church not already mentioned, were to be at the charge of the rectors and vicars.

This year, Grosteste, bishop of Lincoln, deprived one Ralph, a clergyman, for incontinency, and afterwards excommunicated him for refusing to quit his benefice, and submit to the sentence. When this clerk had continued forty days under excommunication, the bishop wrote to the high sheriff of Rutland to attach him for contumacy. The sheriff, being an acquaintance of Ralph's, and no friend to the bishop, refused to execute the order. The bishop, perceiving the sheriff dilatory and partial, put him under the same censure. The sheriff made his complaint to the king, who was very angry at the bishop's proceedings; alleging, that if the sheriff had failed in doing justice, the bishop ought to have applied to the king's courts; but here, the

Paris, p.
777.

king, instead of doing himself right, addressed the pope to secure his authority; which method was thought a remedy worse than the disease. HENRY
III.
K. of Eng.

This year, the archbishop of Canterbury entered upon a provincial visitation. The character of this prelate made people believe this discipline was set on foot more for money than reformation of manners. He began with his own monks of Canterbury; from thence he travelled to the abbey of Feversham, where he acted very arbitrarily; from Feversham he came forward to Rochester, and carried off above thirty marks from that small convent; and, in all these places, his avarice and rough manner made him very unacceptable. When he came to London, the chapter of St. Paul's refused to admit him; upon which he excommunicated the dean, and some of the canons. This repulse ruffled his humour, and probably disposed him to those extremities of passion he fell into soon after. *The arch-
bishop of
Canterbury
begins a
provincial
visitation.*

The next day, he went to visit the regular canons of St. Bartholomew; the sub-prior received him with ringing of bells and all the respect of a procession. The archbishop was somewhat uncourtly in his return, slighted their ceremony, and told them that he came only to visit them as their archbishop. To this, one of the convent replied, they were under the government of a very learned bishop, and that to admit any other visitor would be construed a contempt of their ordinary. Upon this the archbishop, falling into a rage, struck the sub-prior, tore his rich cope, and throwing him down, beat him very severely. The convent came in to the rescue of their sub-prior, and fell upon the aggressor; but the archbishop being assisted by his retinue, the monks were ill-handled. They made their complaint to the bishop of London, who sent them to the court for redress, but the king refused to see them. *A quarrel at
the priory of
St. Bartho-
lomew.*

The canons, making a lamentable figure in the city, and shewing the marks of ill usage, raised the burghers upon the archbishop, who resolved to find him out, and pull him in pieces. During this heat, they outraged him to the last degree in their language, calling him bloody harpy, and saying, that God Almighty and a free election never brought him to his archbishoprick, but that he was put upon the see by arbitrary power and court violence. It seems, the people, *The arch-
bishop re-
proached
about his
election.*

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FACE,
Abp. Cant.

Id. p. 780,
781.

*He goes to
Rome.*

*The king's
sermon to
the convent
of Winches-
ter.*

458.

Confunde-
ret Univer-
sos.
Paris, p.
800.

*The histo-
rian's satire
upon the
times.*

at this time of day, had no good opinion of a bishop that was forced upon the diocese by the crown. To return: the archbishop escaped the fury of the burghers, got to Lambeth, and made his complaint to the king, who ordered proclamation to be made in the city, that no man should pursue that quarrel any farther, under the highest penalties.

The archbishop, understanding the dean of St. Paul's, and some others, were gone to the pope to complain of him, fortified himself with the king's letters, and set forward to Rome with a very pompous retinue.

This year, Raley, bishop of Winchester, dying at Tours in France, the king sent some of the court clergy to make an interest for his brother Ethelmar at Winchester. And soon after, to prevent disappointment, he went down himself; and, going into the chapter-house, began to preach to the convent upon this text, "Righteousness and peace have kissed each other." In this sermon he put them in mind how they disobliged him in the election of the late bishop, and how he had passed over their noncompliance. From hence he proceeds to recommend his brother, from the nobleness of his birth, and that, being a young prince, he was likely to benefit that see a great while; and, to make the more effectual impression upon them, he concludes with this menacing sentence, that unless they complied with his desire, he would make them all smart for their obstinacy.

The monks being thoroughly frightened, chose Ethelmar, upon condition the pope thought fit to dispense with him.

The king having thus far gained his point, ordered his secretary, Robert de Sothingdon, to draw up a letter for the pope, with all the address and rhetorick imaginable, to persuade his holiness to confirm Ethelmar's election. And, for fear promises and smooth elocution should prove too weak, he ordered him to fortify the application with some threatening expressions.

Upon this occasion, the historian breaks out in a satire upon the degeneracy of the times. He is almost angry the world is suffered to continue in so great a moral declension. "What's become," says he, "of that righteousness and peace that the king was pleased to take for his text? What's become of the freedom of elections? Where are the rights and privileges of the Church, which his highness swore to

maintain at his coronation? Alas! the natives of the kingdom are now set aside in Church preferments: piety and learning signify nothing in an Englishman: foreigners of no merit are put upon us. Men that have neither sense nor English, life nor letters to recommend them; who are much more disposed to plunder the clergy than to save the souls of the laity. Formerly men of great piety and improvements used to be dragged to preferment, and almost ravished into a bishoprick. But now, courtiers, and men of secular employments and tempers, seize the holy revenues, and invade the church. And when any sees become vacant, they are pillaged instead of being protected by the officers of the crown." From hence he continues his satire, and makes a reprimanding apostrophe to the pope. "Holy Father," says he, "why do you suffer such disorders in the Church? In earnest, you deserve the hardships you undergo: and yet further, you deserve to be expelled Rome, and to wander like Cain from one foreign country to another. Your enemies in the empire gain ground upon you, and those that pursue you are mighty and swift. All this misfortune ought not to be any surprise, considering the present mismanagement: the administration of the Church is perfectly unhinged: the bishops are checked in their jurisdiction and patronage, by the interposing of provisions; and ignorant foreigners are set over the flock of Christ, who mind nothing but amassing of money. Indeed, under such shepherds the sheep may be said to be rather flayed than fed. And thus England, which has been particularly famous for the flourishing of religion, is used worse than the rest of Christendom, and rifled of her wealth and privilege by the court of Rome. I would gladly know what preferment any Englishman gets in Rome, in Italy, or any other country: what reason is there then for foreigners to prey thus upon our Church, and sweep her revenues? Good God! when wilt thou appear in our defence, and exert thy vengeance upon such criminals as these? But, alas! it is our sins that have exposed us to these insults, and drawn all this calamity upon us."

HENRY
III.
K. of Eng.

The pope was now driven out of Italy, and forced to reside at Lyons.

Id. p. 802.

Groteste, bishop of Lincoln, tired with the maladministration and mercenariness of the Roman see, left Rome, and returned into England; and being dissatisfied with the state of the English Church at his arrival, he designed to

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quit his bishoprick, and retire for study and devotion: but, upon second thoughts, he was afraid the see might suffer, both in the vacancy and the next election; this reflection made him alter his mind and continue upon his charge.

Fecit ex-
primi ma-
millas ea-
rundem.

A. D. 1251.

*The bishop
of Lincoln
suspended,
and why.*

And, soon after, he visited the religious houses of his diocese with great rigour, as Matthew Paris represents it, and made an unusual enquiry into the behaviour of the nuns. And, to make the discipline more solemn, he pronounced all the curses and blessings of Deuteronomy to take place according as they broke or kept the rules of their order. The Lent following, this prelate was suspended for refusing to institute an Italian, who could not speak English, to one of the best benefices of his diocese.

Id. p. 816.
820.

Godwin in
Episc.
Winton.

Paris, p.
816.

This year, the pope confirmed Ethelmar, the king's brother, in the see of Winchester, and gave him leave to hold the rest of his Church preferments *in commendam*, which amounted to more than a thousand marks per annum. By the way, we are to observe, that this Ethelmar, notwithstanding his confirmation, was either not consecrated at all, as is generally reported, or, at least, not till the year 1260. The suffering the revenues to be thus enjoyed without the character and burthen of the office, is deservedly complained of by Matthew Paris; who tells us, it was an abuse but lately practised.

459.

Ibid.

A. D. 1252.

The bishop of Lincoln made another visitation, and examined very closely into the conduct of the clergy. And, as for papal provisions, he discovered his dislike of them with all the freedom imaginable, frequently throwing away the pope's bulls, and openly declaring, that to entrust a cure of souls with clerks, who had no better title, was to act for the devil.

The next year, upon the quindenies of Easter, the king caused proclamation to be made in London, commanding all the citizens to come to Westminster to receive his instructions. When they made their appearance, the bishops of Worcester, Chichester, and the abbot of Westminster, were ordered to harangue them upon the subject of the crusade; but the court of Rome having disappointed the nation, and misapplied the money collected for that use, the citizens were disheartened, and few undertook the service. However, the king, to encourage the expedition, swore he would

set forward in person at midsummer next ensuing, unless prevented by death, sickness, or some other justifiable impediment. It is observed, he took the oath with unusual solemnity of circumstances; for first, he laid his right hand upon his breast, which was swearing like a priest; and afterwards, he kissed the Gospels, which was the form or circumstance customary to the laity.

HENRY
III.
K. of Eng.

*The clergy
and laity
swear with
difference
in the pos-
ture.*

The archbishop of Canterbury, who had met with some rubs in his business at the court of Rome, was relieved by the interest of his brother, the earl of Savoy. The pope ended the dispute between him and his suffragans, by determining upon a compromise. He granted the archbishop an authority to visit the province; but then he moderated the demands of procurations, and fixed them at a certain rate. And thus, by giving some sort of satisfaction, both to the archbishop and the other prelates, he made a penny of both parties.

Id. p. 841.
et Addita-
ment. p.
179.

About this time, the bishop of Lincoln, notwithstanding his late freedom with the see of Rome, procured a bull from the pope to correct the mismanagement of the religious houses. It seems that several of the monasteries in his diocese had converted the profits of the livings under their patronage, to their own use; or, at the best, allowed but a very slender maintenance to those who supplied the cure. The bishop, therefore, upon his complaint, had a commission from the pope to augment those vicarages which were too meanly endowed, and to settle new ones, and assign them part of the tithes, as he thought fit.

*The bishop
of Lincoln
augments
old vicar-
ages, and
settles new
ones out of
the paro-
chial tithes.
See Re-
cords, num.
87.*

The archbishop of Canterbury had lately suffered an affront by the elect of Winchester, who had treated his official very roughly; the case is too long to mention. However, the archbishop thinking it necessary to have some publick satisfaction, took a journey to Oxford to expose and punish the fact. When he drew near the town, the heads, masters, and students, met him on horseback, and made a very splendid appearance. In short, they entertained him suitably to his quality and station, and the manner of the reception was performed with great decency and address. It discovered so much of the breeding of gentlemen, the learning of scholars, and the gravity of divines, that the archbishop and his retinue confessed that Oxford was not at all

*The arch-
bishop's re-
ception at
Oxford: .*

Paris, p.
857, 858.

BONI-
FACE,
Abp. Cant.

*The avarice
of the court
of Rome.*

inferior to the university of Paris, either in politeness or any other respect.

This year, Matthew Paris reports a remarkable instance of the avarice of the court of Rome. It seems, the bishop of Lincoln had ordered some of his clergy to compute the value of the livings held by foreigners. Upon the calculation, it was found, that the present pope, Innocent IV., had impoverished the Church more than all his predecessors put together. And that the revenues of the foreign clergy in England, who had been preferred by the court of Rome, amounted to more than seventy thousand marks per annum, which exceeded the crown revenues by at least two thirds.

Id. 859.

A. D. 1253.

In the beginning of April the next year, Richard de Wich, bishop of Chichester, departed this life. He had his first academical education at Oxford, from whence he removed to Paris. From Paris he travelled to Bononia, where he made so considerable a progress in the canon law, that after seven years' study he was made one of the professors in that faculty. Upon his return, he was entertained by Edmund, archbishop of Canterbury, who had a great esteem for him, and made him his chancellor; and afterwards he was chancellor of the university of Oxford. He was consecrated by the pope in 1245, and managed his office with great capacity and conduct. He had a great talent for the pulpit, where he appeared very frequently; and as for his life, it was altogether suitable to his doctrine. In short, he had the character of a very learned and holy prelate, and was canonized after his death.

Id. p. 864.
Godwin in
Episc. Ci-
cestrens.

Upon the quindenies of Easter, there was a parliament held at London. And here the king, pressing for money to furnish him for his voyage to Gascony and the Holy Land, the archbishop of Canterbury, the bishops of Carlisle, Salisbury, and the elect of Winchester, were sent by the lords spiritual to wait on his highness. Their business was, to try to persuade him to resign to the Church those liberties he had so solemnly sworn to maintain; particularly the freedom of elections, which was the principal and fundamental privilege. For now, as the historian words it, all sees and abbeys were filled by court intrusion; and thus the Church suffered extremely both in prelates and people. The four bishops,

who were sent with the message, told the king, that provided he would please to redress these grievances, and give them the benefit of Magna Charta, they would endeavour to supply his occasions. The king replied he was much troubled for his misconduct in this matter, and desired that they would assist him in the reformation. "You remember," says the king, "that I preferred this Boniface to the highest station in the Church, and advanced him to the see of Canterbury. And you William of Salisbury, who were but a cursitor, cannot forget from what a slender employment you were thus promoted. And you, Silvester of Carlisle, were but an under clerk in the chancery, and entirely raised by your prince's favour, who overlooked a great many divines of merit, to make you a great man. And as for you, brother Ethelmar, it is well known what pains I took to browbeat and bribe the monks, to bring you to the noble see of Winchester; when, indeed, considering your defects in age and learning, I should rather have provided you a good preceptor. Now my lords," says he, "it concerns you no less than myself to show your repentance for your want of qualifications, and resign those promotions you have thus unjustly gained. Such an instance of integrity will never be lost upon me. Such a significant reprimand of my former partiality will put me upon my guard for the future, and prevent me from preferring any person to a bishoprick without due merit."

HENRY
III.
K. of Eng.

460.

*The king's
answer to
the bishop's
address.*

The bishops, finding themselves somewhat embarrassed, and that there was more under the king's jest than they could well answer, told him they did not move for any retrospections, but only for security for the future. At last, after a long debate, the lords spiritual granted the king a tenth part of the revenues of the Church for three years; the first payment of which was to commence when the king, by the advice of his barons, set forward on his expedition to the Holy Land. And now the bishops proceeded to a solemn excommunication of those who broke any part of the great charters; and the king repeated his oath to keep every article without any collusion or indirect practice whatsoever.

In August, after the recess of this session, the king set sail for Gascony, and arrived at Bourdeaux.

Paris, p.
865, 866,
867.

BONI-
FACE,
Abp. Cant.

About this time, pope Innocent IV. directed a bull to the bishop of Lincoln, to put him upon some service that prelate did by no means like, as appears by his answer. And Matthew Paris, though he does not mention the contents of the bull, takes notice, in general, that the bishop looked upon the instructions as unreasonable and unjust. The letter carries an air of great freedom and honesty, and opposes the pope's pretended plenitude of power with a plainness very unusual in this age. I shall give the reader part of it.

*The bishop
of Lincoln's
letter to the
pope.*

"I desire your prudence," says the bishop, "to take notice, that I am ready to obey an apostolical order, with all the filial respect and duty imaginable: but whatever contradicts the character of apostolical instructions, I declare myself an enemy against: and, that out of regard to my great ghostly father. For to both these parts of behaviour, I am bound by God Almighty's command. To apply this, the apostolical instructions must of necessity be agreeable to the doctrine of the apostles, and our blessed Saviour, who is principally represented by his holiness the pope. For, our Lord Jesus Christ has declared, 'he that is not with me is against me:' but the sanctity of the apostolick see is such, that it can never appear in opposition to our blessed Saviour. From hence it plainly follows, the letter above mentioned, (meaning the pope's bull) is altogether different from an apostolical character. First, because of the non-obstante, so frequently made use of, now-a-days, which has nothing of natural equity in it. Indeed this scandalous clause brings in, as it were, a deluge of mischief upon Christendom: and gives occasion to a great deal of inconstancy, breach of faith, and bold measures: it shakes the very foundation of trust and security, and makes language and letters almost insignificant. And thus, the purity of religion, and the peace of society, suffer extremely by this latitude. Besides, next to the sins of Lucifer and Antichrist, there cannot be a greater defection, or which carries a more direct opposition to the doctrine of our Saviour and his apostles, than to destroy people's souls by depriving them of the advantage of the pastoral office: and yet, it is evident, those persons are guilty of this sin, who undertake the sacerdotal function, and receive the profits without discharging the duty: for, not to perform

the office of a pastor, is, in the scripture account, a downright murdering of the sheep. These two instances of misbehaviour, because they tend so strongly to the destruction of truth and virtue, and strike so directly at the happiness of mankind, may justly be called crimes of the most flaming malignity. And as in moral productions, the cause of good is better than its effect, so, in the propagation of vice, the original and source of the mischief is worse than the disorder that proceeds from it. From hence it is evident, that those who bring such unqualified persons into the Church, and debauch the hierarchy, are most to blame; and that their crimes rise in proportion to the height of their station. The holy apostolick see therefore, which has so full an authority assigned by our Saviour, 'for edification and not for destruction,' as the apostle declares; the holy apostolick see, I say, which has her authority under this restriction, can never countenance or command so horrid and pernicious a prevarication. To attempt anything of this kind, would be a notorious abuse, if not a forfeiture of her authority: it would be straying to a lamentable distance from the throne of glory, and the representation of our blessed Saviour: instead of this, such persons may be said to be placed in the chair of pestilence, and in a manner, to sit upon the bench with the Devil and Antichrist. Neither can any person who continues in the communion of the Church, and pays a due regard to the apostolick see, obey any commands of this kind, though imposed by the most glorious angel in heaven. On the contrary, he ought to rebel, if I may call it so, against the order, and oppose it to the utmost of his power. For this reason, since the instructions above mentioned are so plain a contradiction to the catholick faith, and the sanctity of the apostolick see, I must refuse them upon the score of duty, and not comply even out of deference to the person by whom they are sent. Neither can your prudence justly put any hardship upon me for this non-compliance; because, properly speaking, it is no contumacy or disobedience, but a filial respect: for, to sum up all in a word, the holy apostolick see has its commission only for edification, and not for destruction. For that is the true plenitude of power which extends only to edification. But these provisions, as they call them, have a

HENRY
III.
K. of Eng.

Omnimo-
dam potes-
tatem.

461.

Filialiter et
obedienter
non obedio.

BONI-
FACE,
Abp. Cant.

Paris, p.
870.

manifest tendency to destruction. Therefore the holy apostolick see can, by no means, allow such a liberty: for to conclude, these practices are revealed by flesh and blood, which shall not inherit the kingdom of God, and not by the father of our Lord Jesus Christ."

By the bishop's mentioning provisions, it is plain his letter was directed against that abuse. These provisions were commonly made in favour of foreigners, who were unacquainted with the English language, and by consequence unqualified for their function. By the forms of salutation in this remonstrance, it looks as if the address was made to the cardinals: if this was the case, it was only to convey it more inoffensively to the pope through their hands: however, Matthew Paris and Westminster are positive it was directed to the pope. But the Annals of Burton seem to account more exactly for this matter; they inform us that this letter was sent to one Innocent, a secretary of the pope's, who had instructions to enjoin the bishop of Lincoln to institute a Roman boy to the first vacancy in his diocese. But let the conveyance be immediate or not, his holiness was equally concerned in the contents. When the letter was read to him, he was terribly enraged, and broke out into a very immoderate rant. "What old doting man," says he, "is this, that has outlived his brains and his manners, and presumes to censure my conduct with so much confidence? By St. Peter and St. Paul, were it not for the restraint of my own temper, I would confound him to such a degree, make him such an example, such a prodigy of a wretch, that the world should stand amazed at his punishment. For is not his sovereign, the king of England, our vassal? nay, is he not our slave? It is but therefore signifying our pleasure to the English court, and this antiquated prelate will be immediately laid by the heels, and be put to what farther disgrace we shall think fit."

Annal.
Burton, p.
326. 328.

*This remon-
strance
highly re-
sented by
the pope.*

*The cardi-
nals dis-
suade the
pope from
proceeding
against the
bishop.*

When the cardinals were acquainted with the letter, they endeavoured to moderate the pope's resentment: they told him it was by no means advisable to resolve upon any rigours against the bishop; for, to speak plainly, he had advanced nothing but truth. "Sir," say they, "we must not censure him, for he is a catholick and most holy prelate; more regular and religious than ourselves. He has the fame of one of the

most exemplary prelates in Christendom. This character is so publick, and well established, that it would be to no purpose to contradict it; and if there should be any hardships used, the letter is so strongly supported by argument and fact, that it would, in all likelihood, disoblige our interest, and make us a great many enemies: for the bishop has the reputation of a great philosopher, a man of learning and languages, an eminent preacher and divine, remarkable for regularity and discipline, and a warm prosecutor of scandalous practices." Ægidius, a Spanish cardinal, and some others whose consciences were struck, ventured to deliver their sentiments with this freedom, and advised the pope to let the matter sleep, and take no notice of the singularities in the bishop's letter.

HENRY
III.
K. of Eng.

Paris, p.
872.

Not long after, the bishop of Lincoln fell ill of his last sickness, at his manor at Buckden; and being under an expectation of death, he endeavoured to make his time as serviceable as possible. He ordered, therefore, the clergy of his diocese to excommunicate all those who violated Magna Charta. There was one, John St. Giles, a Dominican, a person of considerable learning, in the bishop's family. This John, being the bishop's physician, and called in to assist him in his faculty, the bishop entered upon a discourse of the pope's management; and here he began to charge the Dominicans and Franciscans with prevarication, and falling much short of the design of their order. He told him their institution tied them to poverty on purpose to make them more bold in their reproofs; that since they had no estates to lose, they had no temptation to flattery or fear, but might venture upon sinners of the greatest quality with all the freedom imaginable. "For," says the bishop, "those who have nothing in their pocket need not be afraid of meeting a man on the highway. Now since you and others of your fraternity fail in laying open the miscarriages of great men, and reprimanding them boldly for their faults, I can reckon you no better than hereticks. For pray," says the bishop, "what is heresy? Define it:" and when friar John stuck at the definition, the bishop answered his own question; "*Hæresis est*," says he, "*sententia humano sensu electa, Scripturæ Sacræ contraria, palàm edocta, pertinaciter defensa*;" i. e. 'heresy is an opinion founded upon partial rea-

The bishop's
last sick-
ness.

462.

His notion
and appli-
cation of
heresy.

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FACE,
Abp. Cant.

soning, contrary to the Holy Scripture, publicly maintained, and obstinately defended.' From hence he went on to apply the definition against the Roman prelates, for committing the cure of souls to their relations, notwithstanding their insufficiency both in age and learning. "To intrust the cure of souls," says the bishop, "with a minor, is the opinion of a certain prelate. This sentiment proceeds from human passions, and turns upon secular interests. It is contrary to the Holy Scripture, which declares against making any person a shepherd, who is not in a condition to drive away the wolves. Now this opinion is publicly maintained: for, it is openly handed about in bulls, and instruments of notoriety. And lastly, it is pertinaciously defended: for, if any person happens to appear against it, he is immediately suspended and excommunicated, and it is reckoned a merit to undo him. Now that person to whom the entire definition of heresy may be applied, must certainly be a heretick. To which I must add, every good Christian is bound by the terms of his creed to oppose a heretick to the utmost: from whence it follows, that those that lie passive under a capacity of making resistance, fail in their duty, and seem to give countenance to the heterodoxy: for according to that sentence of Gregory the Great, 'he that does not appear against a publick disorder, may justly be suspected to have a private kindness for it.' Now the Dominicans and Franciscans, notwithstanding the particularity of their obligation, are so far from exerting themselves against the maladministration above mentioned, that they seem to abet it, and yet we are assured by the apostle, that 'not only those who do such things, but they who take pleasure in them, are worthy of death.' We may fairly therefore conclude, that both the pope and these friars, unless they reform their practice, deserve to be punished with death in the worst sense. And to justify this freedom, the decretals inform us, that in the case of heresy, the pope may be called to an account, and ought to have a charge brought in against him."

Id. p. 875.

The bishop's disease increasing upon him, he called in several of his clergy, and complained with great vehemence and satire against the corruptions of the court of Rome. For instance; he complained of the pope's revoking the constitutions of his predecessors, and the little regard which

was paid to antiquity; that his holiness had given instructions to the Franciscans and Dominicans to put dying people in mind of the holy war, and to undertake the crusade; and thus, in case they recovered, they fined them for a dispensation, and, if they died, their executors were to pay the same proportion. And here the bishop mentions a bull of the pope's, which he had seen, where those who undertook the crusade, or contributed to the relief of the Holy Land, were to have the benefit of their indulgence extended proportionably to the value of their money. And after having enlarged upon several other mismanagements, he charges the court of Rome with avarice, simony, and rapine, with luxury, libertinism, and what not; and that they endeavoured to draw princes into their confederacy, and make them a party in their depredations upon the Church. When he had proceeded in this declamation a little farther, his speech failed him, and he expired soon after.

HENRY
III.
K. of Eng.
*He resumes
his satire
against the
court of
Rome.*

Id. p. 876.

This bishop was born at Stodbrook in Suffolk, and extracted from a very private family, though the author of the *Antiquitates Britannicæ* reports him honourably descended, and appeals to a pedigree for proof; but then it is probable the family was decayed; for his parents are generally said to have been poor and destitute. However, notwithstanding this disadvantage, he found opportunities for a good education, travelled into France, and afterwards commenced doctor of divinity at Oxford. He understood Latin, Greek, and Hebrew, very well, and was esteemed one of the greatest scholars of his time. And as for his conversation, the cardinal virtues might be all taken from his practice. This character Pits gives of him, notwithstanding his satire upon the court of Rome. He was first archdeacon of Leicester, and from thence promoted to the see of Lincoln, in the year 1235. He was a most conscientious and primitive governor, and, in short, so very commendable for his conduct and piety, that the dean and chapter of St. Paul's petitioned Clement V. for his canonization; but he had been too free in his censures to have that honour bestowed upon his memory.

*His death
and character.*

*Antiquit.
Brit. in St.
Edmun.
p. 168.*

*Pits de Il-
lustr. Angl.
Script. p.
326.*

Indeed, we need not wonder at Clement's refusal of this respect, since the bishop died excommunicated by Inno-

*He is reck-
oned a saint
notwith-*

standing the pope's excommunication.

BONI-
FACE,
Abp. Cant.

463.

Angl. Sacr.
pars secun-
da, p. 341.
Paris, p.
883.

Ad tribu-
nal summi
judicis ap-
pellavit.

Paris, p.
876, 877.

Annal. de
Lanercost.
Angl. Sacr.
p. 11. p.
343.

cent IV. That the matter of fact stood thus, appears from the Annals of Lanercost, compared with Matthew Paris. The Annals inform us, that he was excommunicated by the court of Rome some little time before his death; that he did not endeavour to disengage himself from the censure, but appealed to the justice of the court above. That he died excommunicated appears farther by pope Innocent's moving in the conclave, that his corpse might be taken up, and thrown out of consecrated ground, and a brand of infamy and disobedience set upon his memory. But notwithstanding the bishop was thus disabled in his character, and censured by the court of Rome, we do not find that he suffered either in his own opinion, or that of others: for, as we have seen already, he ordered his clergy to excommunicate those who broke the great charters, which was executed accordingly. He was attended by the clergy, and religious, died in the exercise of his office, and was honoured and obeyed to the last moment. And at the time he expired, Fulco, bishop of London, and several Franciscans, solemnly declared, that they were entertained with such charming musick in the air, near Buckden, as they never heard before. And the dean and chapter of St. Paul's, in their petition for his canonization, mention a great many miracles wrought by the interest of this prelate, after his death. What truth there was in these miracles I shall not enquire. I only infer that the English Church did not always think themselves bound to be decided by the pope's excommunication: no, not when his encroachments were in their greatest prevalence, as they certainly were in this reign. The English, I say, were so far from believing the pope's censures always ratified in heaven, that on the contrary, they were fully persuaded, a bishop thrown out of the Church by his holiness, made a triumphant entry into heaven, wrought miracles under the censure, and deserved to be canonized. In short, Matthew Paris thought this bishop much better received in the other world, than pope Innocent IV., as appears by the following story: The pope, as has been already observed, though against the opinion of the conclave, designed to have the bishop of Lincoln's corpse taken up, and his memory disgraced. To this purpose, he ordered a letter to be written to the king of England, not questioning the com-

pliance of that prince. But the night following he was terribly rebuked for this resolution. For then, as Matthew Paris reports, the bishop of Lincoln appeared to him in his robes, and giving him a severe look, and a hard push on his side with his crosier, thundered the following reprimand in his ear: "You wretch of a pope," says the spectre, "did you design to disturb my bones, and put a disgrace upon me, and the Church of Lincoln? What made you thus rash and unadvised? It had been more becoming one of your station to have paid a respect to the ashes of an honest man. But your disaffection signifies nothing. For God will not give you any power to do me any farther disservice. I wrote to you in a friendly and submissive manner, to reform your misbehaviour. But you rejected my advice with great pride and ignorance. This contemptuous carriage will be severely punished, and make you contemptible yourself." At this sentence, the apparition retired, and left the pope in a lamentable condition of pain and anguish. He groaned as if he had been struck to the heart. This noise wakened the gentleman of his bedchamber, who came in, and asked him how he did. The pope replied with a deep sigh, that the terrors of the night had troubled him. That he should never be perfectly well again; for, says he, I have been stabbed by a spirit, and have a violent pain in my side. Neither, as the historian reports, did he eat or drink anything the next day, but fancied himself in a high fever.

HENRY
III.
K. of Eng.

Paris, p.
883. 897.
903.

Before we take leave of the bishop of Lincoln we must not forget his being a celebrated author, and that he wrote a great many tracts, of which the reader may see a catalogue in *Anglia Sacra*. Amongst other performances he translated the Testament of the Twelve Patriarchs from the Greek into Latin. Matthew Paris informs us, that one Johannes de Basingstoke, who had studied at Athens, acquainted him with this tract; and that the bishop sent afterwards into Greece and procured a copy. As to the time when the original was written, the learned Dr. Cave assigns it to the latter end of the second century; and Mr. Dodwell, by the Hellenistical style, conjectures it to be written in the first. The learned Grævius lays down some arguments to make it probable this book was written by a Jew before

His writings.

Par. 11. p.
344.

BONI-
FACE,
Abp. Cant.

Orig. Hom.
15. in
Joshuam.
Grabii
Spicileg.
S. S. Patr.
tom. 1.

our Saviour's time, but interpolated by some Christian. However, he determines nothing, but observes that the antiquity of it reaches as far as Origen, as appears by a passage in that Father.

This year, there was a visitation in all the dioceses of the kingdom, and articles were drawn up to enquire into the conduct and behaviour of the clergy and laity. And, since the state and discipline of the Church may be collected from these articles, I shall lay the most material of them before the reader.

They begin with the laity, viz.,

Whether any of the laity keep a scandalous correspondence with any women, or whether their reputation is publicly charged with any such disorder?

Whether any layman frequents the conversation of any woman without a justifiable occasion?

Whether any of the laity are drunkards, frequenters of taverns, or usurers?

464. Whether any of the laity farm the glebe lands or tithes lying within their own manors?

Whether any of the laity are compelled to offer and receive the eucharist after mass upon Easter day?

Whether any of the laity are remarkably guilty of pride, covetousness, malice, or epicurism?

Whether any of the laity keep markets, hold pleas, or take their diversions in consecrated places, and whether these liberties have been forbidden by the bishop?

Whether any sick person has wanted any of the sacraments by the negligence of the priest?

Whether any lay person or others have died intestate by the neglect of the priest or rector?

Whether any churches are unprovided with a priest?

Whether any churches are pulled down without the bishop's leave, or remain unconsecrated?

Whether any Jews remove from their accustomed habitations, and settle in any new place?

Whether any of the laity make clandestine marriages, and omit the publick banns in cases not allowed by the canon law?

Whether any lay person procures mass to be said in any chapel without the bishop's leave?

How the servants of parsons, abbots, priors, and other religious, behave themselves in the farms and estates belonging to their respective masters?

HENRY
III.
K. of Eng.

Whether any rectors, vicars, or priests, are scandalously illiterate?

Whether any of this order misbehave themselves with respect to women?

Whether those guilty of any such crimes have been punished by their archdeacons, and how often?

Whether those who have either confessed or been convicted of this sort of debauchery have engaged to resign their livings in case of relapse, and whether any of them have relapsed after such obligation?

Whether any beneficed persons are married?

Whether any clerks frequent nunneries without a reasonable excuse?

Whether any clerks entertain any women, whether relations or others, at their houses, from whence they may give occasion to scandal and suspicion?

Whether any of the clergy are intemperate, frequent taverns, turn merchants or usurers, are given to fighting, wrestling, or any other practice unbecoming their character?

Whether any of them are farmers, and either hire or let the lands or tithes of their parsonages or vicarages, without the bishop's leave?

Whether any of this order are high sheriffs, judges, or hold any bailiwicks of the laity, by virtue of which offices they must be obliged to make an account to those that gave them their commission?

Whether any clerk is guilty of simony, either for orders or preferment?

Whether any priest belonging to the parish church is not allowed a sufficient maintenance by the rector?

Whether any rector or vicar spends any of the revenues of the Church in building upon a lay fee, or whether he lodges the tithes in any house or ground not belonging to the Church?

Whether any of this order appear in a military style, and have not a habit and tonsure suitable to their character?
Whether any clerk is a pluralist without a dispensation?

BONI-
FACE,
Abp. Cant.

Whether any rector or vicar is the son of the last incumbent?

Whether any priest exacts money for penance, or any other sacraments, or enjoins any discipline for his own profit?

Whether any deacons take confessions, or administer any other sacraments which are only the privilege of priests?

Whether any rector or vicar does not reside upon his benefice?

Whether churchyards are well fenced or enclosed, the churches decently built and ornamented, and the holy vessels well kept?

Whether any beneficed persons set up lectures of civil law, or frequent such exercises?

Whether carriages pass upon Sundays, holy days, and by whom?

Whether there is a correct copy of the mass or divine service in all churches?

Whether any monasteries appropriate any churches or portions of tithes to their own houses? or whether any pensions out of livings or portions of tithes have accrued to any monks without the allowance of the bishop of the diocese?

Whether any vicars make themselves rectors, or *vice versa*?

Whether any illegitimate persons, without dispensation, enjoy any ecclesiastical benefices, or are admitted to holy orders?

Whether any persons pretend to be rectors or vicars without collation or institution from the bishop?

Whether adultery, and other publick and scandalous crimes in the laity, are duly punished by the archdeacon? And whether any person marries within the prohibited degrees?

Whether there are licensed and authorised penitentiaries in the respective rural deaneries to take the confession of rectors, vicars, and other priests?

465. Whether any monks dwell upon any farms or estates remote from their monasteries, what reputation they have, and how they behave themselves in the exercises of discipline and devotion?

Whether the dean or any of the chapter enter into any confederacy in the vacancy of the see, to the disadvantage of the bishop?

HENRY
III.
K. of Eng.

Whether any archdeacons receive more than their due for procurations; and whether these dignitaries, the deans, and other clergy of lower orders, behave themselves suitably to their function?

Whether executors discharge their trust faithfully, and give an account of their management to the bishop?

And lastly, whether any markets were kept upon Sundays?

Annal.
Burton,
p. 323 et
deinc.
A. D. 1254.

To proceed: the next year the canons of Lincoln chose Henry de Lexington, the dean of that church, for their bishop. The bishop of Hereford was recommended by the court; but, the canons not liking his character, refused to comply. This refusal was not at all acceptable to the king. However, having nothing to object against Lexington's qualifications, he consented to his preferment.

Paris, p.
881.

About this time, the pope made a reformation in the universities, with respect to the studies of the clergy. He observed, that the creditable sciences were mostly studied upon a mercenary view; that learning was prostituted to avarice, and minded no farther than it would make a penny. He took notice, that almost all those who pretended to a lettered education, pressed forward to the study of the law before they had made a sufficient progress in classick authors and philosophy: that when young students were furnished with a little logick, and had made some small advances in the canon and municipal laws, they had a great opinion of their improvements, and thought themselves qualified for the highest stations in the Church, when at the same time they were defective in philology, and other parts of academical learning. Now the pope was of opinion, that the profession of the law, unless superstructed upon more generous studies, and ballasted with ethicks and divinity, was apt to make men contract a narrowness of temper, stand too much to the point of interest, and affect unnecessary formality. Looking upon this custom therefore, as a disservice both to learning and religion, he wrote to the prelates of France, England, &c., not to admit any person to Church preferments, unless they found him qualified in other parts of learning, besides the law. The pope means the civil law,

The pope attempts a regulation in the studies of the clergy.

See Records, num.
38.

BONI-
FACE,
Abp. Cant.

*A signifi-
cant charter
granted to
the abbey of
Westmin-
ster.*

and orders the lectures in that faculty should be suppressed, provided the respective princes were willing to consent.

Paris, p.
889.

This year, Matthew Paris mentions a famous charter, granted by king Henry to the abbey of Westminster: by this charter, the abbot and monks had the privilege of demanding copies of the fines and amerciaments of their tenants, set by the king's judges, and entered in the rolls of the courts. And that these estreats were not to be returned into the exchequer, but delivered by the judges to the bailiff of the convent, who was to be present when the fines were set. Though this charter is mentioned this year, the historian takes notice, it was granted two years before; but that was more than came to his knowledge.

Id. 890.

*The death of
Hugh, bi-
shop of Ely.*

About this time, the king's eldest son, prince Edward, set forward with a very splendid retinue on his voyage to Castile. He was honourably received at king Alphonsus' court, and married his sister, Eleanor. When this solemnity was over, the prince returned into Gascony to his father, king Henry. He brought an instrument, signed by Alphonsus; by virtue of which that prince resigned all manner of claim or pretence to the country of Gascony.

Matt. Paris,
p. 891.

To this year, we are to assign the death of Hugo Norwald, bishop of Ely. This Hugo, formerly abbot of St. Edmondsbury, was consecrated on Trinity Sunday, 1229. He has the character of a very obliging and hospitable prelate, and of being very devout, and charitable to the poor. He was a great benefactor to his see: for, besides a noble palace in Ely, and other considerable improvements upon his manors, he built the stately choir and steeple of his cathedral, which cost him five thousand three hundred and fifty pounds; a vast sum in those times. The king, prince Edward, and several of the lords spiritual and temporal, were at the consecration of the choir, and nobly entertained for several days by the bishop.

Id. p. 897.

Pope Innocent, who had made so much disturbance in Christendom, died about this time, and was succeeded by Alexander IV. This pope was a prelate of good temper, discipline, and devotion, and gave a much better promise than his predecessor. But having the misfortune of too much belief, and no great talent, he was easily misled and imposed on.

Towards the latter end of this year, the king quitted Gascony, and had the liberty to return home through France. When he came to Paris, he made the king of France a very magnificent entertainment, and gave a plentiful dinner to all the poor of that great city. From Paris, he went to Boulogne, and arrived at Dover in January the beginning of the next year. He was received there by Richard, earl of Cornwall, and several of the lords spiritual and temporal: and was richly presented at his landing by the bishops and abbots.

HENRY
III.
K. of Eng.
*The king
returns into
England.*

A. D. 1255.

In the beginning of summer this year, Walter Gray, archbishop of York, departed this life. He held the see about forty years. Matthew Paris gives him the commendation of a person of great capacity; says that he was well qualified both for a bishop and a statesman: and that, when the king, at his going beyond sea, put the government into his hands, he managed that post to great advantage. He purchased the manor of Thorp, and annexed it to the archbishoprick. He likewise purchased a house in Westminster, and left it to his successors. This house was built by Hugh de Burgo, earl of Kent, and given to the Dominicans; of whom the bishop bought it; and now it went by the name of York Place. When cardinal Wolsey sunk, it was seized by king Henry VIII., made a palace royal, and called Whitehall.

May 1.
*The death of
Walter
Gray, arch-
bishop of
York.*
Id. 901.

466.

This year, the pope absolved the king from his vow to undertake the crusade, altered the service, and commuted the expedition to the assisting his son Edmund in the kingdom of Sicily.

Id. p. 905.
Godwin in
Archiepisc.
Eborac.

About this time, Magna Charta was proclaimed in the respective counties, at synods, in churches, and at all public places of meeting: and excommunication was solemnly denounced against all those that should violate it. However, the historian complains, the king broke in upon that security, and taking advantage of the vacancy of the see of York, harassed that church in her revenues, and committed great waste upon it. To excuse these oppressions, he used to ask, why the bishops and other great men, who expostulated so much, and made such a noise about keeping Magna Charta, did not afford their tenants the benefit of that law? To this it was answered, that it would be serviceable for his highness to remember his oath, and give a leading prece-

Conven-
tiones, Li-
teræ, &c.
tom. 1. p.
547.

Paris, p.
907.

BONI-
FACE,
Abp. Cant.

*The pope
gives the
kingdom of
Sicily and
Apulia to
Edmund,
the king's
second son.
A. D. 1257.*

Paris, p.
911.

dent; and then there would be little doubt but that his subjects would follow it.

This year, in the latter end of October, the pope sent the bishop of Romania to the king: this prelate brought a ring with him, to invest Edmund, the king's second son, with the kingdom of Sicily and Apulia. The king was much pleased with the pope's offer, and closed with it: however, the pope's favours did not answer in the issue, and ended in nothing but expense and disappointment.

The beginning of the year 1257, Richard, earl of Cornwall, the king's brother, was chosen king of the Romans. Matthew Paris gives a list of the electors; the ecclesiasticks were the archbishops of Cologne, Mentz, and Treves; and the same, both in number and sees, as at present: but the lay electors, as the historian reckons them, were no less than eighteen.

Id. p. 941.
947.

*Richard,
earl of Corn-
wall, chosen
king of the
Romans.*

Westmin-
ster ad An.
1257.

Paris, 984.
1007.

The earl of Cornwall sent to examine the temper of the German princes, and, finding them unanimous in the election, accepted the offer. There was no emperor at this time in Germany, so that most of the supreme authority seems to have been conveyed in this election, and there was not much wanting except the imperial title: for the princes swore allegiance to earl Richard, and several towns opened their gates, and owned him for their sovereign. And, besides, his being chosen king of the Romans, was, as it were, an earnest to convey the imperial character. Earl Richard thought it advisable to take hostages of the Germans before he ventured himself among them. After this security he went to Aix la Chapelle, and was solemnly crowned there. However, this prince was not so fortunate as to mount the imperial throne; but afterwards, returning into England, he lost his interest in Germany, and died at Berkhamstead castle.

Paris, p.
949.

To return. About this time, a new order of monks, called Bethlemites, settled in Cambridge; they wore a red star upon their breast, with five points, with a circle of rays in the centre, as an emblem of the star which appeared to the wise men at our Saviour's birth.

In July, this year, the king sent his writs to the suffragans of the province of Canterbury, to forbid their meeting in convocation. The writ sets forth, that the king was informed

the archbishop of Canterbury had summoned a convocation of the provincial bishops to London, at the octaves of the Assumption of the blessed Virgin: the writ adds, that no convocation or council ought to be held when the king was in the field, because the prelates, as well as others, were bound to repair to the royal standard, for the defence of the king and kingdom. The archbishop, therefore, is commanded to defer the holding the convocation till the campaign is ended: and all the suffragans are forbidden to appear at any such meeting, under the forfeiture of their baronies.

HENRY
III.
K. of Eng.

This writ puts me in mind of another mistake of sir Edward Coke, who affirms that the clergy were never assembled or called together at a convocation, but by the king's writ.

Conven-
tiones, Li-
teræ, &c.
tom. 1. p.
636.

But, besides other instances, this assertion of sir Edward Coke's may be disproved from the case in hand. For,

Coke's In-
stitutes,
part 4. fol.
322.

1st. That this convocation was not summoned by the king's writ, appears, by the instrument setting forth the king was informed of their meeting; whereas had he sent his writ to the archbishop, he would not have mentioned the convocation as a thing he seemed surprised at.

2ndly. Had the clergy been convened by the king's writ, we cannot well imagine why the king should be displeased with their meeting, and disavow his own act.

3rdly. This point may be farther proved from the reasons assigned against the sitting of the convocation; which are drawn, not from any want of authority in the archbishop, but from the unseasonableness of the juncture: they are forbidden to sit because the king was in the field, and the bishops bound by their tenures to a personal attendance; which implies plainly enough, that had it been a time of peace, the archbishop might lawfully have called them together.

467.

4thly. That synods had sometimes been held, not only without, but against the civil authority, appears by the instance of Hubert, archbishop of Canterbury, who, in the beginning of the reign of king John, assembled a national council against the prohibition of Geoffrey Fitz-Peter, chief justiciary of England. Neither do we find the archbishop censured for acting in this manner.

5thly. That the English clergy believed themselves at liberty to meet without a warrant from the crown, appears

BONI-
FACE,
Abp. Cant.

by their remonstrance to archbishop Reynolds: this prelate, it seems, though he convened the bishops and clergy by his ecclesiastical authority, yet happened once to insert the king's writ at length into his own mandate. This being a precedent, *primæ impressionis*, they declared against it at the opening of the convocation; affirming, that it was an injury to their ecclesiastical liberty, and tended to the subversion of it, to have the king at all to meddle with their assembling. And for this they cited a provincial ordinance, made in the time of archbishop Winchelsea.

Rationes
Cleri Prov.
Cant. con-
tra Formam
Citationis,
&c. An.
1314.
Dr. Wake's
State of the
Church, &c.
p. 10.

6thly. That it was customary for the bishops, &c., to meet in synods without the king's writ, is evident from the form of the clergy's submission in the year 1532, at which time they were prevailed upon to promise, *in verbo sacerdotii*, not to assemble from thenceforth in any convocation or synodical meeting, but as they should be called by his majesty's writ. They promise not to assemble, &c., from thenceforth, which implies that formerly they used to do otherwise.

Cyprianus
Anglicus
Introduct.
p. 1.

That the case stood thus before the act of submission, is so plain that the learned author of the State of the Church makes no scruple to affirm that, before the passing this act, the power of assembling the provincial clergy was always lodged in the hands of the metropolitans.

Dr. Wake's
State of the
Church, &c.
p. 81, 82,
83, et alib.
Conven-
tiones, Li-
teræ, &c.
tom. 1. p.
636.

Conven-
tiones, Li-
teræ, &c.
tom. 1. p.
636.

This year, Elias, the Jewish high-priest at London, being legally convicted of some misdemeanors against the king and his brother, the king of the Romans, was deposed from his office; and the body of the Jews had an authority by the king's writ, to proceed to the election of another. This privilege of electing their high-priest, is settled upon the Jews with this proviso, that the new elect should always be presented to the king for his confirmation.

The death
of Suffeild,
bishop of
Norwich.

This year, Walter de Suffeild, alias Calthorp, bishop of Norwich, departed this life. He had the character of an eminent divine and a great lawyer. He built and endowed St. Giles's hospital, in Norwich. He was a very charitable prelate; as appears by another instance: for, one year, when corn and provisions were dear, he sold all his plate and gave it to the poor.

This Walter, by an order from pope Innocent, who had granted the king a tenth upon the Church for three years, had a valuation of the revenues of the ecclesiasticks drawn

up. This enquiry passed throughout all England: the dean and three of the most considerable parochial clergy in every deanery being sworn to give in an exact state of the revenue of all the clergy, of what dignity or condition soever. This valuation was entered upon record, called the Norwich tax, and was afterwards made use of upon the grant of subsidies and assessments of the clergy.

HENRY
III.
K. of Eng.
Annales
Monast.
Burton, p.
334, 335.
Angl. Sacr.
pars 1. p.
411. Mo-
nast. An-
glic. vol. 2.
p. 461.
*An en-
croaching
regulation
made at
Rome.*

This year, the pope and conclave set up a new project of interest, and made an order that every exempt abbot should take a journey to Rome, upon his election, for the completing his character, and to receive the pope's benediction. Matthew Paris complains of this innovation, as very prejudicial to the ends of the monastick institution. That it would occasion frequent disputes about the validity of elections: that the discipline of the convent would suffer by the absence of their elect: and that the king having the custody of the abbeyes in the vacancy, the officers of the crown would have a longer opportunity to prey upon the revenues.

Paris, 951.

This decree of the court of Rome was soon after enlarged into a farther encroachment upon the Church. For now every elect, exempt or not exempt, was obliged to cross the Alps, and empty his coffers into the Roman exchequer. This order did not only reach the abbots, but extended to all the bishops' sees where their chapter consisted of monastics; and therefore the historian takes notice, that Hugh, the elect of Ely, who was then at Rome to solicit for his confirmation, gave occasion to this unfortunate decree: but, whether it took in the other cathedrals which consisted of secular canons, is not clear from the historian.

Id. p. 956.

Upon the death of Gray, archbishop of York, the canons elected Sewal their dean. He was bred at Oxford, and afterwards studied under St. Edmund, archbishop of Canterbury. He had always a strong emulation to come up to that prelate's qualifications. He was a good divine, and made a considerable proficiency in the study of the law. He was likewise a person of a modest, obliging temper, and very regular and exemplary in his conduct. His probity and zeal embroiled him with the court of Rome, and involved him in a greaat del of trouble. He had too much conscience to digest the immoderate exactions of that court; and wrote a sharp remonstrance to pope Alexander IV. upon

A. D. 1258.

**BONI-
FACE,**
Abp. Cant.

468.

*The death
of Sewal,
archbishop
of York.
Paris, p.
956. 964.
969.
Pits et God-
win.
A provincial
synod at
Merton.*

*Annal.
Burton, p.
388.
See Re-
cords, num.
39.*

*The provi-
sions of the
synod in
defence of
ecclesiasti-
cal privi-
lege and
jurisdiction.
Their particular
grievances.*

this subject. His holiness was so disgusted with the censure of his conduct, that he endeavoured to lessen the bishop's authority, to distress him in his fortune, and sink his credit. At last he proceeded to an open revenge, and had him solemnly excommunicated. It seems, the archbishop had taken the freedom, amongst other things, to tell him, that when our Saviour commissioned St. Peter to feed his sheep, he did not give him any authority either to flay, or eat them. Another ground of the pope's displeasure was the bishop's refusing to admit unqualified Italians to any livings in his diocese. When he was upon his death-bed, he complained of the pope's injustice, and made his appeal to heaven. He wrote several tracts, and died with the character of so pious a prelate, that Matthew Paris mentions a miracle wrought by him in his last sickness.

In April this year, Boniface, archbishop of Canterbury, sent a summons to his suffragans to meet him in a synod at Merton, in Surrey, upon the Thursday before St. Barnabas. The form of the summons is mentioned in his mandate to Roger, bishop of Lichfield and Coventry. This prelate, upon receiving the archbishop's order, sent a summons to the archdeacon of Stafford, enjoining him to appear at the time and place appointed, and come furnished with an authority, or letters of proxy: from whence it is evident that the inferior clergy were represented in synods and convocations by the archdeacons of the division. It appears likewise from the archbishop's mandate, that the deans, abbots, and priors, were commissioned by their respective chapters, abbeyes, and convents, to transact for them.

To proceed; the bishops, clergy, and religious, met at Merton, on the festival of St. Barnabas, pursuant to the archbishop's mandate. And here, as the record words it, there were several provisions or constitutions made for the reformation of discipline, and to secure the Church against the encroachments of the laity.

1. The first article sets forth, that archbishops, bishops, and other inferior prelates, are frequently summoned into secular courts to answer to such interrogatories and pleas, and to give an account of such matters as plainly belong to the jurisdiction of their character, and the cognizance of the

ecclesiastical court. For instance; they are frequently summoned into the king's courts concerning the instituting, or refusing to institute clerks, concerning excommunications and interdicts in their own diocese, concerning consecrating of churches, and giving orders. They are likewise called in question for giving judgment in causes purely spiritual: for instance, concerning tithes, oblations, limits of parishes, and such like, which cannot with any colour be tried in secular courts: the prelates have likewise trouble given them for taking cognizance of the sins and immoralities of their people: such as, perjury, breach of faith, sacrilege, encroaching upon the privileges and liberties of the Church. Notwithstanding, those who break in upon the liberties of the spirituality granted by the king's charters, are excommunicated *ipso facto*. They complain likewise of being prosecuted for exercising their jurisdiction in churches and chapels, annexed to bishopricks or monasteries, and become void by the death or cession of the respective prelates: and for doing other things of a resembling nature, which plainly belong to the authority of an ordinary.

HENRY
III.
K. of Eng.

The bishops
checked in
their juris-
diction.

Now the article provides, that in case the bishops and other prelates happen to be summoned into the king's courts to defend themselves against any actions, or answer any prosecutions in the cases above mentioned, they should refuse to make their appearance. However, that the matter might be decently managed, and the king treated with due regard, the prelates were to write to his highness, and acquaint him that they could not obey the order of his courts, without deserting their character, and throwing up the privileges of the Church. They were likewise to entreat him to consult his spiritual interest, and not press such impracticable commands upon them. If this remonstrance had no success, and the prelates were attached or distrained for their non-compliance, their last remedy was to excommunicate the sheriffs, and put the king's lands, towns, and castles, under an interdict.

2. Because it frequently happens, that clerks are put in possession of parochial churches by the laity, without any ecclesiastical authority, it was decreed, that if any clerk intruded into any cure of souls in this manner, he was to be excommunicated, and made for ever incapable of that benefice: and in case his obstinacy was such as to continue

Intrusion of
clerks.

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FACE,
Abp. Cant.

under the sentence of excommunication for the space of a year, he was then to be declared disabled from holding any living within the kingdom of England. And if any such intrusions shall be made by the king's authority, the bishop of the diocese was to entreat him to desist and revoke his order, otherwise the king's lands and towns in that diocese were to lie under an interdict. And if any temporal lord overlooked the authority of the Church so far as to put any clerk into a living without application to the bishop, the clerk was to be excommunicated; and unless satisfaction was made within two months, the nobleman's lands in that diocese were to be interdicted.

Excommu-
nicated per-
sons set at
liberty
without
making sa-
tisfaction.
469.

3. That no person imprisoned upon a writ of excommunication should be set at liberty without the consent of the prelates, and making due satisfaction to the Church. And here, the article complains that the king's writ for seizing the excommunicated person is frequently denied; and that sometimes the king and his bailiffs, or ministers of justice, converse publicly with such excommunicated persons: that this practice was a contempt of the keys, and subversive of the authority of the Church. It was therefore decreed, that excommunications should be denounced with the circumstances of bell, book, and candle, and published wherever the ordinary shall think fit. And that the sheriffs, and other bailiffs, who shall set such excommunicated persons at liberty, before the ordinary has received satisfaction, shall be solemnly excommunicated themselves. However, if it appears, such sheriffs, &c. have acted by the king's commands, it is left to the discretion of the ordinaries to deal more favourably with them. But then those clerks who shall dictate, engross, seal, or give their advice for the drawing up any such writs, precepts, or orders, to the prejudice of the Church, shall be solemnly excommunicated. And all those clerks who are reasonably suspected of any such practice, shall be incapable of holding any benefice, till they have purged themselves of such imputations according to the direction of the canons. And when the customary writ *de excommunicato capiendo* was denied, the king was to be petitioned by the ordinary, that it might be granted. And in case the refusal was continued, the king's castles, towns, &c., in that diocese, were to be interdicted. And as for those who kept company with

excommunicated persons, they were to be punished, pursuant to the discipline of the Church.

4. That if any persons who are known to be clerks and of good fame are apprehended only upon suspicion, and kept in durance by any lay person, and not delivered to the ordinary to be tried in his court, that then such lay persons are to be solemnly excommunicated; and the places in which the clerks are so confined, and the estates of those that apprehend or keep them in prison, are to be interdicted till they have set such prisoners at liberty, and, over and above, made due satisfaction for taking them into custody. Those likewise that shall exhibit any false information or charge against any clerks, and maliciously occasion their being imprisoned, shall lie under the censure above mentioned.

HENRY
III.
K. of Eng.
Clerks prosecuted upon false or insufficient suggestions.

5. When any wandering and unknown clerks happen to be taken and detained in prison, upon making proof of their clerkship, they shall be demanded by the ordinary of the place to be tried in the court Christian; and if the delivery of them is refused to the ordinary, those who detain them shall be punished as aforesaid; and if they are put into the ordinary's hands, they shall be tried by the form of the canons. Neither shall the ecclesiastical court be obliged to attend for the concurrence of the king's justices. And if any of those justices shall fine the bishop for not bringing such clerks before them, that then the said justices, whether clergy or lay, shall fall under the Church censures above mentioned.

6. A clerk cast before his ordinary for committing any trespass in a forest, shall be bound to make restitution to the king, or any other person damnified, and to undergo such farther punishment as the ordinary shall think fit.

7. But when clerks, charged with committing trespass or other crimes shall have passed the test of a canonical purgation, and cleared themselves in an ecclesiastical court; if in this case the lay ministers of justice shall keep their goods and chattels under seizure, those who thus detain their effects shall be punished with ecclesiastical censure, as in the foregoing articles.

Prohibitions.

8. And in regard the clergy and others, in the course of commerce, frequently assure the performance of the contract by a solemn promise, or taking their corporal oath,

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and being summoned before an ecclesiastical judge for violating so solemn a security, procure the king's prohibition to avoid being tried in the court Christian for perjury and breach of faith. To prevent this disorder, it was provided, that if the prohibition was procured by a layman, he was to be excommunicated; and if he refused to desist, his estate to be interdicted; but if the criminal was a clerk or a monk, he was to be corrected by the canons; and in case of obstinacy, the ecclesiastical censures above mentioned were to pass upon him.

And if the plaintiff shall waive the prosecution, or withdraw his action for fear of the king's prohibition, when the matter happens thus, it shall be lawful for the ecclesiastical judge to carry on the process, and punish the delinquent at his discretion. And if he happens to be distrained in his lay fee, both the ministers of justice and the king himself are to be proceeded against, as in the instances already recited. And in case he has no lay fee, the bishop is not to deliver him to the hands of secular justice. And if the bishop is distrained for his non-compliance, the crown, and those that levy the distress, are liable to the Church censures already mentioned.

*The laity
discouraged
from taking
an oath in
spiritual
courts.*

470.

9. The synod complains, that the prelates, who were obliged by their office to enquire into the misbehaviour of the people, are checked in the exercise of their authority; that the king and the great men of the realm, forbade their tenants taking an oath to declare their knowledge at the bishop's instance: and likewise that the prelates were not permitted to punish, either corporally, or by fining, proportionably as the quality of the person or fault shall require. It is therefore decreed, that the laity, notwithstanding this discouragement, shall be obliged to take the oath above mentioned, in the ecclesiastical courts, and submit to the penalties put upon them by their ordinaries, and that, under the censure of excommunication. And that those who hinder the taking such oaths, or submitting to the punishment of the spiritual courts, shall be proceeded against by interdict and excommunication.

Jews.

10. And because, by encroachments of the same nature, the prelates are hindered in the exercise of their authority, when any Jews happen to be injurious to the Church, either

with respect to persons or things: it is decreed therefore, that if a Jew refuses to answer for any misdemeanor before an ecclesiastical judge, in cases which belong to the cognizance of the spiritual court; he shall be compelled to appear, and make his defence, under the penalty of being barred all intercourse, trading, and conversation with any Christian. And those that screen such Jews from making their appearance, or distrain those who send them such citations, shall incur the censures of interdict and excommunication.

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III.
K. of Eng.

11. The eleventh provides against the violation of sanctuaries, and decrees, that those who set a guard upon such places of privilege, and starve the persons into a surrender, shall be excommunicated at the discretion of the ordinary. But that those who drag such persons out of a church or churchyard, or surprise them in the highway, as they are going to embark, after they have abjured the realm, or kill them while they are under the protection of the Church, shall be punished with all the force of discipline due to sacrilegious persons.

*Breach of
sanctuary.*

12. Again the synod takes notice, that the property and privileges of the Church are sometimes invaded and overborne; and decrees that excommunication shall be denounced against such sacrilegious injustice. And if the injurious persons continue in their obstinacy for the space of a month, the interdict shall be launched against their estates and places where they reside: neither shall either of these censures be taken off till they have made satisfaction.

13. Farther, the synod sets forth, that, because the servants and soldiers of great men sometimes intrude into the houses of the clergy, waste and destroy their goods, and outrage those, both in language and blows, who offer to contradict or resist them: to this they add, that the carriages and teams of the prelates, monks, and clergy, are seized upon the road, in markets, in sanctuaries, and forcibly taken away to convey the provisions, or other commodities of the great men of the realm; It is therefore ordained that those who are guilty of such arbitrary and sacrilegious violence, shall be solemnly excommunicated till they have made restitution, and given satisfaction, over and above, for the affront, and ill consequence of the injury.

*The clergy
injured in
their pro-
perty.*

14. The synod remonstrates, that the clergy and religious

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were compelled to sell their commodities to the king's purveyors and servants, at the rate and price set by his highness, and forced to deliver the goods without receiving the money. To prevent this oppression, it was decreed that those who made use of such force should be excommunicated, and obliged to allow a fair and reasonable price, or to restore the goods which they had seized. And besides all this, to make competent satisfaction for the invasion of property.

*Bishops sees
and abbeyes
damnified in
the vacancy.*

15. The fifteenth article complains, that the lands of cathedral and conventual churches, being in the custody of the crown during the vacancy, the king's bailiffs and officers embezzle the goods, and commit great waste upon the estates; that this latitude was a violation of the rights and liberties of the Church, and a direct infraction upon the securities of Magna Charta; for this reason it is decreed, that the ordinary shall excommunicate such sacrilegious persons till they have made satisfaction; and that if the king interposes, and stops the courts of justice, the remedies against those who attach or distrain the Church for the exercise of her jurisdiction are to be made use of.

*Bishops'
proxies not
allowed.*

16. The next grievance observed by the synod is, that bishops, with respect to their ecclesiastical tenures and estates, were cited by the common summons to appear in person before the itinerant judges, and not allowed to attend by their proxy or attorney, and that this personal attendance was contrary to the liberties and franchises of the Church. It was therefore resolved, the king should be petitioned to allow the bishops to constitute their attorneys in form of law for this purpose; and that the justices should be admonished to admit such proxies, furnished with letters of attorney; and that, in case the judges refuse to allow them, thus qualified, and fine and distrain the prelate for not personally appearing, upon such occasions recourse must be had to the censures of the Church above mentioned.

*The clergy
molested by
Quo war-
ranto's.*

17. The seventeenth article sets forth, that the prelates and clergy are forced, under the penalty of being distrained, to appear in the king's courts, to shew by what right or au-

471. thority they hold those liberties and privileges of which themselves or their predecessors have had a long and peaceable enjoyment; and that, unless they can justify their title

upon these questions, they are immediately disseized. Now the remedy against this encroachment, was to enjoin those who were cited upon these heads not to make their appearance. And in case they were distrained, or otherways molested for such default, the censures of the Church were to be exerted, as in the cases above mentioned.

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III.
K. of Eng.

18. And since it sometimes happens, that princes, and other good Christians, convey estates and privileges to the Church by charter and deed, in which settlement, this, or a resembling clause, is commonly inserted: "By this present deed and writing, I give, grant, and convey to such a cathedral, church, or monastery, and to their respective bishops, abbots, &c., such a fee or estate, with all the rights, emoluments, and appurtenances, either to me, or my heirs, lawfully belonging or appertaining." Now if a contest arise afterwards concerning any branch of the premises, not expressly mentioned in the conveyance, the king's judges pronounce the charter void, and of none effect, because the matter in dispute is not particularly named. And thus, by this construction of the bench, the word, *all*, signifies nothing. On the other hand, if the point under debate is particularly expressed in the settlement; the judges will then declare the charter of no force or significancy, if the church or monastery has happened to let her rights sleep, and to have made no actual use of the privilege in question. It is therefore provided, that all secular judges, whether clergy or lay, who shall injure the Church in her property by such unreasonable and perverse constructions of law, shall be admonished by the respective ordinaries to forbear such prevarication for the future: and, in case they refuse to acquiesce, and desist, the censures of excommunication and interdict are to be denounced against them.

*And put
upon un-
reasonable
defences of
their titles.*

19. And whereas kings, noblemen, and other pious Christians, have granted estates to the Church and clergy to be held upon the best terms, and under the tenure of franck almoine; notwithstanding the advantage of this grant, the king's sheriffs, and the bailiffs and stewards of noblemen, compel such ecclesiastical persons to do suit and service to their lord's court, contrary to the tenor of the conveyance, the intention of the donor, and the privilege of the respective churches. To which is added, that church,

*Suit and
service de-
manded of
the clergy
against law.*

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FACE,
Abp. Cant.

men and monks are likewise disturbed and disseized of their estates, of which they have been possessed for several ages, unless they can defend their title by producing the original settlements, which charters, in such a long tract of time, are possibly worn out or destroyed. It is therefore provided, that, in case any distress is levied by the donors, their heirs or successors, for default of such suit and service, &c., the oppression is to be punished by the censures of the Church above mentioned.

*The ordi-
nary hin-
dered in the
disposal of
the goods of
intestate
persons.*

20. And lastly, because it sometimes happens, that when lay persons die intestate, the lords of the fee seize their assets, and will not suffer their debts to be paid out of their personal estate, nor the remainder to go to the use of their children and parents, or to be distributed in charity for the benefit of the deceased, at the discretion of the ordinary; it is therefore provided and decreed, that the said lords of manors and their bailiffs, shall be admonished not to obstruct the legal disposition of the goods of such intestate persons: and, in case they refuse to take notice of the admonition, they are to be excommunicated, at least for detaining that part of the assets which was to be distributed for the benefit of persons deceased. And those were to lie under the same censure, who hindered villains in gross, or regardant to manors, from making their wills, contrary to the ancient usage and custom of the Church of England.

Burton An-
nal. ibid.
Paris Ad-
ditament.
p. 204.

From the provisions of this synod, we have reason to believe the Church suffered in her property, and lay sometimes under hardships and encroachments; but then, on the other side, it must be said, the claims of the synod seem immoderate in some cases, the privileges of the clergy are over extended, and the censures of the Church misapplied, and driven too far upon the government.

*A brief re-
cital of the
most ma-
terial oc-
currences in
the state.*

The latter end of this prince's reign being remarkable for several great occurrences and revolutions in the state, it may not be improper to throw in a word or two about them. To begin:—

The next year, the king sailed into France, and demanded restitution of the provinces seized in the reign of his father king John. The French urged a great many reasons against parting with what they had gotten, and particularly

that the English title to Normandy was defective from the beginning, and that duke Rollo wrested it from the king of France by force. King Henry, being in no condition to raise an army, and maintain his claim in the field, resigned the duchy of Normandy, the earldom of Anjou, Tours, Maine, and Poictou, in consideration of a sum of money. This resignation was passed with all the solemnity of a treaty, and the king, princes Edward and Edmund, were sworn to the articles: and from this time, the king omitted the title of duke of Normandy, earl of Anjou, &c., in his publick instruments.

HENRY
III.
K. of Eng.
*The king
resigns most
of the
English
provinces in
France.*

Before the mention of this treaty, I should have taken notice that the parliament met at Oxford upon the same day the synod was convened at Merton. In the late parliament at London, the king had granted the barons a reformation of the government, as they called it. This regulation was to be managed by twelve of the king's council, and twelve others chosen by the barons: and that whatever orders were passed by these twenty-four, or the greater part of them, should be obeyed.

Continuat.
Paris, p.
989. Con-
ventiones
Literæ, &c.
p. 675. 685.
472.

The first thing, therefore, transacted at the Oxford parliament, was the election of these twenty-four. Four of the king's twelve were, the bishop of London, the elect of Winchester, the abbot of Westminster, and Henry de Wengham, dean of St. Martin's, London. In the twelve chosen by the barons, there was no clergyman, excepting the bishop of Worcester.

Par. 42.
H. 3. M. 10.
Paris ad
An. 1258.

These twenty-four named the king's council, which consisted of fifteen: of this number there were two prelates, viz., the archbishop of Canterbury, and the bishop of Worcester.

Annal. Bur-
ton, p. 412.

To proceed. These twenty-four made the following demands, and provisions:—

Id. p. 413,
414.
*The Oxford
provisions.*

1. First, they required the king's confirmation of the charter granted by his father, king John.

2. They insisted upon a justiciary that should have no bias upon him towards partiality and injustice.

3. That they should have the liberty of choosing the justiciaries, chancellors, and other officers and ministers of the crown from year to year; and that the king's castles should

Matthew
Westminst.
p. 391.

BONI-
FACE,
Abp. Cant.

be put into their custody, or into the hands of such as they should appoint.

Ibid.

4. They forced the king and prince Edward, under the menaces of perpetual imprisonment, to consent to this agreement; and made it death to any person, of what condition or quality soever, to oppose, or appear against, these provisions: and, that they might have the countenance of the spiritual authority, the bishops at this parliament, of which order there appeared about nine, denounced those excommunicated that should break in upon the articles above mentioned.

Ibid.

And here, Matthew of Westminster falls into some strains of satire against this liberty with the crown. He desires to know, with what modesty and conscience the bishop of Worcester, and the other prelates, could give their consent to such dishonourable and dethroning articles? That it was matter of admiration that these bishops, who had sworn with the rest of the barons to maintain the king's honour and government, should forget their engagements in so plain an instance.

To go on with the Oxford provisions. The twenty-four ordered there should be three parliaments in a year, and fixed the days for their sitting.

Annal. Bur-
ten, p. 415,
416.

And here, upon a principle of frugality, the community, or barons, chose twelve to represent them, who, with the king's council, were to complete the parliament.

Id. p. 413.

This Oxford parliament drew up an oath of association to maintain the provisions agreed on. In this oath there is a clause for the saving their allegiance to the crown.

*The king's
half-bro-
thers chased
out of Eng-
land.*

And to secure the king from receiving any counter impressions from his four half brothers, Athelmar, elect of Winchester, Guy and Geoffrey de Lusignan, and William de Valencia, they chased these noblemen first from Oxford, and afterwards out of the kingdom.

Paris.

Conven-
tiones, Li-
teræ, &c.
tom. 1. p.
722. 742.

These articles lying heavy upon the crown, having been extorted by duress, the king was very desirous to disengage himself. To this purpose he procured the pope's bull to absolve him, and those who adhered to him, from the oath taken at Oxford.

*The battle
at Lewes.*

The king's conscience being thus at liberty, he drew out

into the field against the barons, took Northampton, and went on with success till the battle of Lewes. In this dispute, the royalists were defeated; the king, his brother Richard, king of the Romans, and many other barons, were taken prisoners; but the castle holding out for the king, prince Edward, who was at the battle, rallied his forces, and designed to try his fortune once more against the enemy. This resolution of the prince made the confederate barons doubt the issue, and brought them to a treaty. And thus, the controversy was in a manner wholly referred to the king of France. This prince, perceiving king Henry had been overborne by the barons at Oxford, annulled all the provisions of that parliament.

HENRY
III.
K. of Eng.

Contin.
Paris, 995.

A controversy between the king and the barons referred to the French.

Westminst.
p. 393.

This decision was immediately seconded by the pope's bull, and excommunication denounced against all those who refused to comply with the French king's award.

Conventions, Litteræ, &c.
tom. 1. p. 781.

Id. p. 782.

But Simon Montfort, who headed the rebellious barons, being possessed of the king's and prince's person, took no notice of his holiness's order. And here we are to observe, that while the king was in Montfort's custody, his name and seal were used for what purposes the earl thought fit.

To give one remarkable instance; this earl sent out writs in the king's name to summon the bishops, barons, abbots, and priors, to a parliament at London. There is likewise a writ directed to the sheriffs to send up two knights from each county, and the boroughs are ordered to send up the same number out of their corporations. By the way, this is the first time we meet with this representation of the commons in parliament.

Conventions, Litteræ, &c.
p. 802.

To give another instance of Montfort's abuse of the royal name to countenance his own disloyalty: after prince Edward had made his escape out of the barons' custody, this Montfort, earl of Leicester, forced the king to proclaim his son, the prince, and all his loyal subjects, rebels, and write to the bishops to excommunicate them.

See Brady
against
Petit.

473.

Prince Edward having gained his liberty, endeavoured to rescue the king out of the hands of the rebellious barons. To this purpose he marched his troops to Evesham in Worcestershire, where he was joined by the earl of Gloucester and the forces commanded by Roger Mortimer: and here, Montfort being blocked up in Evesham, was forced

Id. 810, 811, 812.

Contin.
Paris, p. 997, 998.

The rebels defeated at Evesham, and the government recovered.

BONI-
FACE,
Abp. Cant.

to draw out his army and come to a battle. The rebels maintained the fight for some time with great obstinacy: but, at last, they were entirely routed, and Montfort their general slain.

Literæ,
Conven-
tiones, &c.
tom. 1. p.
816.
A. D. 1261.

*Pope Alex-
ander the
Fourth's
letter to the
English
barons.*

This battle restored the government, and gave the king his liberty, who immediately after declared against Montfort's violence, and made void all his former grants and instruments made under duress. And thus I have brought the state period to the year 1265.

To return to the Church: in the year 1259, pope Alexander wrote a letter to the English barons, in answer to a late remonstrance they had sent him. The pope takes notice the barons had suggested, that in regard of the piety of the monks, their ancestors had conveyed the patronage of several churches to the monasteries, in confidence these religious would present persons well qualified to the bishops; and that by this means, the parishes might be well supplied, and the poor relieved. But that the barons were disappointed in this pious design, partly by the pope's provisions, and partly by the avarice and mismanagement of the monasteries, which, by procuring appropriations from the apostolick see, furnished the parishes at discretion, overlooked the authority of their diocesans, and converted the profits of their livings to their own use. The pope endeavours to excuse himself upon these heads; tells them, that when he granted the monks the privilege of appropriations, it was done in hope of advancing religion; it was done to augment the slender endowments of some monasteries, and to put them in a better condition to assist the indigent: however, notwithstanding the integrity of his meaning, he might possibly be mistaken in some instances; for, though he had the honour to represent a person who was neither liable to error or falsehood, yet himself being a son of Adam, and having the infirmities of human nature about him, he might be imposed on by false suggestions, and surprised into a mistake, like other men.

And whereas the barons had complained of the low condition of learning and philosophy, and that in this respect, the English were much inferior to their predecessors: to this, the pope answers that they had a very flourishing seminary of arts and sciences: that no country

of Christendom had better opportunities for education: and that all parts of learning were carried to a great improvement in their universities.

HENRY
III.
K. of Eng.

And as for their menacing to recall the munificence of their predecessors, and dispose of the patrimony of the Church, he gives them to understand that this liberty was altogether impracticable: that they had no right to overthrow the settlements made by themselves or their predecessors, or lay their hands upon that which was consecrated to God Almighty. At last, he promises to redress what was really amiss, and to refer the reformation in a great measure to the English bishops.

Annal. Burton, p. 438.

In the year 1261, there was a provincial council held at Lambeth. But the constitutions of this synod being much the same with those of Merton, I shall waive the recital.

Spelman,
Concil. vol.
2. p. 305.
A. D. 1261.

These constitutions of Merton and Lambeth carried the privileges of the Church too high, and bore too hard upon the common law in some instances. This overstraining the point made the king uneasy: however, he did not think it proper to refer the controversy to his own courts, but applied to the pope for a remedy.

In his letter, he informs the pope that the reverend fathers, Boniface, archbishop of Canterbury, and his suffragans, had passed some synodical decrees to the prejudice of his crown and kingdom, and therefore desires his holiness would revoke those constitutions. This letter is addressed to pope Urban IV., and dated October 23, 1261.

The king moves the pope for a revocation of the constitutions of Merton.
Par. 46.
H. 3. M. 19.

The pope, as far as it appears, was silent about two years: after which time, he sent the king an answer to his request.

A. D. 1263.

In this letter he takes notice, that the Church of England had suffered great hardships by the maladministration of the king's ministers of justice. That, to provide against these encroachments, the archbishop of Canterbury and his suffragans had passed several commendable constitutions in defence of their liberties: and that they had since made application to the apostolick see, to confirm their provincial synod. These decrees, as far as it appears, the pope had made no difficulty to confirm, had it not been for the remonstrance of the king's ambassadors, who declared against them as prejudicial to the rights of the crown. For this reason, the pope tells the king, he deferred the confirming

The pope defers the confirmation.

BONI-
FACE,
Abp. Cant.

Conven-
tiones, Li-
teræ, &c.
tom. 1. p.
755.

A. D. 1264.

474.

*The king's
letter to the
bishop of
Hereford to
enjoin him
residence.*

Spel. Con-
cil. vol. 2.
p. 316. Ex.
Bibl. Cot-
ton.

April 21,
A. D. 1268.

M. West-
minster ad
An. 1268.

*The nation-
al council at
London
under the
legate Otho-
bon.*

Concil. tom.
11. col. 907.

them, though otherwise he had nothing to object. In the close of the letter, he desires the king would be tender of from the privileges of the Church, and forbid his ministers encroaching upon them.

The next year, the king taking a progress through the diocese of Hereford, to secure the frontiers against the Welsh, happened to find the see without either bishop, dean, or official, to govern the bishoprick. Upon this occasion, he sent his precept or writ to the bishop of Hereford to reprimand him for his neglect, and enjoin him residence. And here, amongst other things, he lets the bishop know, that the temporalities were settled upon the see by his predecessors for the benefit of religion: that unless the bishop would answer these ends, and discharge the functions of his station, he would stop the revenues, and seize the barony: being resolved that those who refuse to undergo the burthen, should never receive the profits and advantages of the office.

And here, though the bishop's neglect is not to be defended, yet, it may be, those that drew up the king's order, overstrained some of the expressions, and made his highness threaten too high: for first, the revenues of the Church being settled without any clause of revocation, they do not become liable to seizure or forfeiture for maladministration. Besides, had the misbehaviour of the bishop of Hereford been referred to the archbishop, or a provincial synod, it had been much more agreeable to the rights and discipline of the Church.

The next thing remarkable in the Church is, the national synod held at London under cardinal Othobon, the pope's legate; Matthew of Westminster reports, that besides all the English prelates, those of Wales, Scotland, and Ireland, were present at this council.

The learned sir Henry Spelman happens to be mistaken twenty years in assigning the time of this synod. He assigns it to the year 1248: whereas it is evident by the title and preface, that it was held in the pontificate of Clement IV., who was not advanced to the papacy till the year 1265. And then, as for Othobon, he was not sent legate into England till two years after.

The canons of this council were of great authority, and

looked on as a rule of discipline to the English Church. And notwithstanding the change at the Reformation, there are several of them still in force, and make part of our canon law. The case standing thus, I shall mention some of the canons which appear to have been new, either in the matter, or some other remarkable circumstance; for, by the way, several of them are only Otho's constitutions confirmed, and enforced with farther penalties.

HENRY
III.
K. of Eng.

Antiquit.
Britan. in
Boniface,
p. 187.

I. The first canon enjoins the archdeacons to inspect the conduct of the parochial clergy, with reference to baptism. And here, the parish priests are commanded to be perfect in the form of this sacrament: to expound and repeat it frequently to their congregation upon Sundays; that in case of necessity the laity may be in a condition to baptize an infant.

II. The second forbids the receiving anything for administering the sacraments: points to the form of absolution, and enjoins confessories to make use of the following words: *Ego te absolvo à peccatis tuis, etc. Autoritate qua fungor te absolvo.* And at the close of the canon, the synod complains that the benefit of absolution is sometimes denied to people in prison, by the rigours of the keepers. It is therefore decreed, that if any jailer or other person shall hinder a penitent from making his confession, they shall be denied the privilege of Christian burial.

III. By the third, all churches are to be consecrated within two years after they are finished.

IX. The ninth provides against non-residency, and decrees, that all persons instituted to livings should be obliged to resign their other benefices with cure of souls, provided they had any, and swear to reside upon the place. And in case they were no more than deacons at their institution, they were to take priests' orders within a year at the farthest.

X. The tenth is directed against intrusions, and enjoins the ordinary not to admit or institute any clerk, without legal proof of the death, cession, resignation, or deprivation of the last incumbent.

XII. The twelfth provides against cantoning of parishes, or subdividing them into more parsonages or vicarages than formerly. It likewise forbids detaining part of the tithes from the incumbent.

BONI-
FACE,
Abp. Cant.

XIII. The thirteenth guards the privilege of sanctuaries; and decrees excommunication against those who drag any person out of a church, churchyard, or cloister, hinder him from receiving provisions, or seize anything deposited in those places of protection.

XIV. The fourteenth provides for the solemnizing of marriages; and directs the censures of the Church against those who shall presume to hinder them from being publick.

XV. The fifteenth enjoins executors to make an inventory of the goods of the deceased, and deliver it in to their ordinary; and not presume to administer till they have given such satisfaction.

XVI. By the sixteenth, the bishops are forbidden to sequester the profits of vacant livings, unless in some special cases, where custom and law allow this practice.

XVII. The seventeenth decrees that chapels allowed for the convenience of private persons, should not receive any offerings or perquisites to the prejudice of the mother church. And therefore enjoins the chaplains of those places to restore all such perquisites to the rector of the parish.

XVIII. The eighteenth provides against dilapidations, and decrees that if any rector or vicar shall neglect to repair the houses belonging to his benefice, within two months after notice given him by the bishop or archdeacon, that from thenceforth it shall be lawful for the bishop to sequester, and seize such portions of the profits belonging to the incumbent, as shall be sufficient for repairing the buildings above mentioned.

475.

XX. The twentieth sets forth, that God Almighty, notwithstanding his attribute of mercy, will by no means be bribed for his pardon, nor receive a sacrifice from a sinner by way of compensation. However, some persons of dignity and jurisdiction in the Church do not seem to consider the justice of the divine proceedings; otherwise they would not go such a length in their commutations, and receive money instead of exerting discipline. That this method, instead of relieving the delinquent, made the judge a criminal. Besides, such impunity tended only to encourage dissolution of manners: for, according to St. Isidore, a man of loose practice will never be afraid of taking his liberty, as

long as he is allowed to fine for his fault, and his coffers can make him innocent: this is the way to debauch the consciences of the people, to take off the horror of an ill action, and amounts, in effect, to a license to commit sin. The canon, therefore, orders the archdeacons to make use of the discipline of the Church, and never to receive any money upon such scandalous considerations. The bishops are likewise strictly enjoined to take care the archdeacons do their duty in the cases above mentioned.

HENRY
III.
K. of Eng.

XXI. The one-and-twentieth declares against the farming of spiritual offices and jurisdictions: it being a scandalous thing that the powers and privileges of the sacerdotal character should be made a commodity in commerce, and the gifts of the Holy Ghost, as it were, set to sale: besides, he that buys these spiritual advantages, will make no scruple to sell them, as his covetousness shall direct. The canon, therefore, strictly forbids the farming the profits arising from any spiritual function or jurisdiction, and declares the contract void, notwithstanding its being drawn in the forms and securities of law; and enjoins that the third part of the profits conveyed by any such bargain, should be expended in repairing and beautifying the cathedral.

XXIII. The three-and-twentieth provides against alienating any part of the tithes from the parochial clergy. And here the bishops are strictly forbidden to appropriate any church in their diocese to another bishop, or to any religious house, unless the person or persons to whom the appropriation is made are under the pressure of apparent poverty, or some other sufficient reason may be assigned as may plainly justify the practice.

The canon proceeds to take notice that these appropriations gave occasion to great abuse and misapplication of the Church revenues. That sometimes the whole profits of the livings were swept away, and no vicar provided to take care of the parish; and where there was a vicar settled, they allowed him so slender a maintenance that he was in no condition to support his function: and here the monasteries are plainly taxed, as appears by the enacting part of the canon, by virtue of which, all the religious, exempt and not exempt, the Cistercians, and others, who are possessed of appropriated livings, are obliged to present vicars to such

BONI-
FACE,
Abp. Cant.

churches within six months to their respective diocesans, and to allow them a sufficient proportion of the living for their maintenance. And in case of failure, the diocesans are authorized to put this part of the canon in execution.

XXIV. The twenty-fourth provides against the misapplying the goods of intestate persons, and decrees, that the provision in this case, *formerly* made by the English prelates, with the consent of the king and barons, should be strictly observed, and that no prelates, or any other persons, should either seize, or manage the assets of intestate persons contrary to that constitution.

Linwood
Constitut.
Othobon, in
loc.

13 Ed. I.
c. 19.

This provision, hinted by the canon, was an act of parliament, as is observed in Linwood: and, by the word *olim*, and its not being mentioned among the statutes of king Henry III., it was most probably made in the reign of this prince's predecessors. However, we have something of this kind repeated in an act of his successor, king Edward I. The statute runs thus: "Whereas, after the death of a person dying intestate, who is bounden to some other for debt, the goods came to the ordinary to be disposed: the ordinary from henceforth shall be bound to answer the debts, as far forth as the goods of the dead will extend, in such sort as the executors of the same party should have been bounden if he had made a testament."

XXV. The twenty-fifth states the condition of ecclesiastical judges, and decrees, that no archbishop, nor other ordinary, should delegate the hearing of causes to any but dignitaries, and persons of spiritual jurisdiction, or, at least, to none under canons of cathedrals or collegiate churches.

XXVI. The twenty-sixth settles the form and circumstances of sending out citations, and provides, that the person prosecuted may have due notice to make his appearance at the court.

XXVII. The twenty-seventh reinforces Otho's constitution, and makes a supplemental provision with reference to advocates. And here it is decreed, that no advocate shall be allowed to practise, without producing the letters of the diocesan to testify that he has taken the oath to manage fairly in his faculty, and be true to his client: or for want of producing such a testimonial, to take a new oath to that purpose.

XXVIII. The twenty-eighth sets forth, that since the design of courts of justice, of what kind soever, is to settle controversies, and bring the parties to an accord; those ecclesiastical judges (for the canon is only concerned with such) who entangle the process, and prolong the suit, abuse their character, and act counter to the end of their office. By such prevarications as these, God Almighty is provoked, our neighbour injured, the honour of the court blemished, and misunderstandings and disputes cherished, and kept on foot. To prevent these mischiefs, the canon decrees, that whoever shall receive any consideration to spin out the cause, or hinder the parties from coming to an agreement, shall be bound to immediate restitution, and, over and above, fined to the value of the bribe for the use of the poor: and, in case of delay, laid under excommunication till he has made satisfaction.

HENRY
III.
K. of Eng.

476.

XXIX. The twenty-ninth orders that the taking off excommunications and other censures of the Church should be made publick, and notified at proper times and places, that the persons concerned may sustain no farther damage.

XXX. The thirtieth, in the preamble, declaims with great vehemence against pluralities, and complains that people of figure and interest overbore the canons, and possessed themselves of several livings with cure of souls: that this was sometimes done by mere violence and intrusion, without either dispensation from the pope, or institution from the diocesan. That the consequences of this disorder were extremely pernicious: that the Church suffered both in her credit and authority: that the force of religion was weakened, and the foundations of it almost sapped: that charity was, in a manner, extinguished this way, and poor scholars quite discouraged by seeing vacant benefices thus uncanonically seized by the wealthy and powerful; and thus, to speak clearly, the wretched pluralist may be said rather to steal than enjoy the profits. The legislative part of this canon has been touched already in the ninth, and, being somewhat long, I shall pursue it no farther.

XXXI. The one-and-thirtieth goes upon resembling matter; declares strongly against commendams. It sets forth, that breach of trust, evasions of law, and foul dealing, are most intolerable in churchmen: that some clerks,

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FACE,
Abp. Cant.

in defiance of all equity, canon, and conscience, make it their business to overgorge themselves, and procure several churches to be settled upon them by way of commendam: that this is a plain perversion of the design of the canons, straining the words against the intention of the legislators, and preferring the sound, in contradiction to the sense. And thus the people are neglected, the ends of the sacerdotal function lost, and the holy revenues mispent upon luxury and pride. To prevent this abuse, the canon voids all commendams enjoyed by any person excepting one, and orders those who have a right to collate or institute, to dispose of such benefices within two months; and that in case of failure, all such preferments shall lapse to the pope. The canon provides farther, that no person who has more than one living with cure of souls, shall be capable of any commendam.

Hist. Coun-
cil of Trent,
lib. 6.

*The rise of
commen-
dams.*

As to the original of commendams, Father Paul gives this account of it. When the Northern nations broke in upon the Western empire, it often happened that churches were unprovided with bishops, who were either taken off by natural death or the barbarities of the enemy. In such cases it frequently happened that those who had a right to provide a pastor, were hindered from acting by sieges, imprisonments, or other calamities of an invasion. Now that the people might not suffer for want of the government of a diocesan, the principal prelates of the province used to *recomm*end the see to some clergyman of character and conduct. That this was only a temporary provision, to continue no longer than till the obstructions were removed, the times better settled, and an opportunity given to elect a bishop in a canonical way. The bishops and parochial priests made use of this expedient, when vacancies happened upon such occasions in country villages. And here the rule was always to pitch upon a person of capacity and credit: and he that was commended endeavoured to act up to expectation. And thus the provision gave great satisfaction, and proved very beneficial to religion. But as the best establishments are apt to suffer in the progress of time, some of the commendatories began to think of serving their fortunes, as well as the Church, and stood too much to the point of interest: the prelates, likewise, sometimes commended churches

without necessity : this disorder increasing, there were canons made that the commendams should not last above six months ; nor the commendatory receive the profits of the benefice held in commendam. However, the popes, sometimes pretending to a power paramount to the canons, broke through this constitution, both with respect to the time and other circumstances ; for sometimes they disposed of commendams for term of life, and assigned all the profits of the benefice to the person thus promoted.

HENRY
III.
K. of Eng.

But to return to the council.

XXXII. The two-and-thirtieth canon decrees, that when any person was elected bishop, there should be strict enquiry made before his consecration, whether he was a pluralist or not ; and in case he held more livings than one with cure of souls, whether he had a dispensation for such privilege ; whether the dispensation was authentick, and extended to all the promotions enjoyed by him ; and, in case the elect failed in any article of this enquiry, he was not to be completed in his character, nor consecrated by the archbishop.

XXXIV. The four-and-thirtieth complains of the abuse of the trust of patronage, and that presentations are given upon contracts to pay the patron a certain sum of money yearly out of the profits of the living. To prevent such simoniacal practices, so prejudicial to the interest of religion, the canon declares all such promises and contracts utterly void.

477.

XXXV. By the five-and-thirtieth, all commerce and secular business is forbidden to be managed in churches.

XXXVI. The six-and-thirtieth decrees a solemn and public procession to be made yearly, the day after the octaves of Whitsuntide. The design of it was, that both the religious and secular clergy should publicly bless God for restoring peace to the kingdom, pray for the repose and prosperity of Christendom ; that God would please to inspire the members of the Church with a desire of peace and union, continue the blessings of a good understanding among Christian princes, and deliver the Holy Land from the tyranny and misbelief of the Mahometans.

And to make these provisions more effectual, it is ordered by the XXXVIIth., that all archbishops, bishops, abbots,

**BONI-
FACE,**
Abp. Cant.

Spel. Con-
cil. vol. 2.
p. 263.
Concil. Lab.
tom. 11.
col. 867 et
deinc.
A. D. 1269.
October.

Wikes
Chronic. p.
88, 89.

Continuat.
Paris, p.
1005, 1006.
A. D. 1270.

*The death of
Boniface,
archbishop
of Canter-
bury.*

Antiquitat.
Britan. in
Boniface.

Angl. Sacr.
p. 1. p. 116.

*An attempt
upon prince
Edward's
life.*

A. D. 1271.

priors, and chapters of cathedral churches, shall furnish themselves with a copy of the canons of this synod, and that all archbishops and bishops shall be obliged to have them read every year distinctly in their respective synods.

The rest of the canons are only regulations for the monasteries, and therefore I shall pass them over at present.

This year pope Clement IV. died.

King Henry, who had a great veneration for the memory of Edward the Confessor, put his corpse in a golden shrine, and removed them to a place more in view, in Westminster abbey. And here we are to observe that this prince pulled down the old abbey church, and built the new one, with the same largeness and magnificence as it exhibits at present.

This year, prince Edward engaged with Lewis the Godly to undertake the holy war, and was furnished by that king for the expedition. However, he did not set forward till two years after.

The next year, Boniface, archbishop of Canterbury, died at the castle of St. Helen's in Savoy. This prelate, perceiving the king disgusted with him, left England some little time before his death, and returned into his own country. He built and endowed two great hospitals; one at Maidstone, and another at Canterbury, in honour of archbishop Becket. The first of these, at the dissolution of the abbey, was valued at a hundred and fifty-nine pounds, annual rent. The rest of this prelate's character has been mentioned already.

The monks of Christ's Church, upon the death of their archbishop, chose William Chillenden, their prior, who renounced the election before pope Gregory X. Upon this vacancy, Robert Kilwarby was nominated by the pope, in 1272, and consecrated at Canterbury the first Sunday in Lent the year after.

The next year, prince Edward, who was now arrived at Acre in the Holy Land, was in danger of being assassinated. One Anzazin, who used to bring letters from the admiral of Joppa, pretended private business with prince Edward, and taking him to the window when the company was withdrawn, drew a poisoned dagger, and wounded him twice in the arm, and a third time under the armpit. The prince struck him down with his foot, and afterwards wrested the dagger out of his hand, and killed him with it.

The next year, there happened a quarrel between the monks and townsmen of Norwich; the occasion is not mentioned, but the burghers were so far enraged as to carry the fray to the last extremity of outrage, for they burnt the cathedral, and plundered all the books, jewels, and plate, which belonged to the Church; the king was exceedingly disturbed at this sacrilegious violence, and sent down sir ——— Trivet, one of his justices, to try the malefactors. And soon after, he took a journey thither himself. And here he fined the corporation three thousand marks for the rebuilding the cathedral; and besides, a great many of the townsmen, who were convicted of setting fire to the church, were drawn in a sledge and executed.

HENRY
III.
K. of Eng.
*A quarrel
between the
monks and
townsmen of
Norwich.
1272.*

*Continuat.
Paris, 1008,
1009.*

The king, in his return to London, fell sick, and died at St. Edmundsbury. He behaved himself with great piety in his sickness, ordered his debts to be paid, and that the remainder in the exchequer should be distributed among the poor. The corpse was carried to Westminster, and buried there. He reigned six-and-fifty years. He married Eleonora, daughter to the earl of Savoy, by whom he had Edward, who succeeded him, and Edmund; earl of Leicester and Lancaster. He had likewise two daughters by this queen, Beatrix, who married the earl of Bretagne, and Margaret, married to Alexander, king of Scotland.

*A. D. 1272.
King Henry
dies at St.
Edmunds-
bury.*

Upon the death of king Henry, prince Edward, his eldest son, was proclaimed king. This prince, upon the notice of his father's death, quitted the Holy Land, and returned into England, and was crowned at Westminster by Robert, archbishop of Canterbury.

*A. D. 1274.
August.*

This year, on the first of May, the council of Lyons was opened by pope Gregory X. This council is called a general one, and had representatives from all parts of Europe. Knighton reports, that the pope, insisting upon an aid for the Holy Land, Robert de Kilwarby had not the courage to oppose the motion, because he had been preferred to his see by the court of Rome. However, Richard de Pecham, dean of Lincoln, was so hardy as to contradict his holiness's demands; he pleaded the poverty of the Church of England, and that the late wars and payments to the see of Rome had impoverished them to that degree, that they were scarcely in a condition to subsist. For this free-

*The council
of Lyons.*

ROBERT,
Abp. Cant.

Knighton
de Eventibus
Angliæ,
l. 3. p. 2461.

Conven-
tiones, Li-
teræ, &c.
tom. 2. p.
23.

*The Greek
and Latin
Churches
reconciled.*

dom the pope deprived him of his preferments, carried his point over the synod, and gained a tenth from the Church, to be paid for six years together.

King Edward sent four proxies or agents to this synod, and gave them commission to propose and contradict in the assembly as they thought proper.

At this council the Greeks closed with the Latin Church. To throw some light into this matter, we are to take notice that Michael Paleologus had lately taken Constantinople, and chased away the emperor Baldwin, who was the last of the Latins that reigned in that city. Paleologus, therefore, being at the head of the Greek empire, it was feared the Greeks might break with the court of Rome, and return to their ancient independency; for, we are to observe, that in the reign of Constantine Monomachus, when Michael was patriarch of Constantinople, the Greeks declared against the supremacy of the see of Rome, condemned their consecrating the sacrament with leaven, their Saturday's fast, and several other customs of the Latin Church. Besides, they denied the procession of the Holy Ghost from the Son, and anathematised the Latins, for adding the filioque to the Constantinopolitan creed. But these doctrines were long before maintained by the famous Photius, who was patriarch of Constantinople in the ninth century.

After Photius, the Greeks and Latins continued distinct communions till Baldwin the First, earl of Flanders, took Constantinople. At this prince's gaining the empire in the Levant, the Greeks were brought to submission to the see of Rome in the beginning of this century. But when the Latins were expelled, they began to recover their former doctrines, and return to their old liberty. The court of Rome, however, was so successful as to stop their progress, and bring them back to a temporary dependance upon that see: I call it a temporary dependance, because it was not long before they came to a rupture, and reasserted their ancient privilege.

Concil.
Lab. tom.
9. col. 138
et deinc.
Wikes
Chron. p.
100.

A. D. 1275.

In the third year of the reign of king Edward, there was a parliament held at Westminster about the octaves of Easter: the heads enacted at this parliament, are called the first statute of Westminster.

By the second chapter of this statute it is provided, that

when a clerk is charged with being guilty of felony, and is demanded by the ordinary, he shall be delivered to him according to the privilege of holy Church, on such peril, as belongs to it after the custom aforesaid used. And the king admonishes the prelates, and enjoins them upon the faith that they owe him, and for the common profit and peace of the realm, that they which be indicted of such offences by solemn inquest of lawful men in the king's court, in no manner shall be delivered without due purgation, so that the king shall not need to provide any other remedy therein.

ED-
WARD I.
K. of Eng.

*The privi-
leges of
clerkship
lessened.*

3 E. I. c. 2.

From this statute, sir Edward Coke observes, that before this act, if any clerk had been arrested for the death of a man, or any other felony, and the ordinary did demand him before the secular judge, he was to be delivered without any inquisition to be made of the crime.

Bracton,
l. 3. fol. 123

But after this statute, when any clerk was indicted of any felony, and refused to answer to the felony upon the score of his clerkship, and was demanded by his ordinary: in this case, before he was delivered to the ordinary, an inquisition was taken whether he were guilty of the fact or not: and if he were found guilty, his goods and chattels were forfeited, and his lands seized into the hands of the king.

Coke's In-
stitut. part
2. fol. 164.

But then, as Fleta reports, and which sir Edward Coke does but barely hint; when the clerk who was delivered to the ordinary, had stood the test of the spiritual court, and cleared himself by the customary forms of purgation; the king, then, at the information of the diocesan, was bound to restore him his goods, chattels, and lands. And thus this statute leaves the last judgment of the offence to the ordinary: which privilege continued with the spiritual courts till the reign of queen Elizabeth: when it was enacted, that no man, allowed his clergy, should be committed to his ordinary.

Fleta, l. 1.
c. 28.

18 E. I. c. 7.

This year, John Britton, bishop of Hereford, departed this life. He was an eminent common lawyer, and wrote a book de Juribus Anglicanis. He was succeeded by Thomas de Cantelupe.

Westmo-
nast. ad An.
1275.

About Michaelmas, this year, according to the printed statutes, the statute of bigamy was passed. It sets forth, that men twice married, called *bigami*, were excluded from all clerk's privilege, by a constitution of the pope's, made at

A. D. 1276.
Statut. de
Bigamia.

ROBERT, the council of Lyons: whereupon, certain prelates (when Abp. Cant. such persons have been attainted for felons) have prayed to have them delivered as clerks, which were made *bigami* before the same constitution. It is agreed and declared before the king and his council, that the same constitution shall be understood in this wise, that, whether they were *bigami* before the same constitution or after, they shall not, from henceforth, be delivered to the prelates, but justice shall be executed upon them as upon other lay people.

Thus we see, this parliament passed a canon of the council of Lyons into a law. Though, after all, they overruled the plea of the spiritual courts, and made themselves judges of the meaning of the constitution.

479. But this law, to deprive men that were *bigami* of the privilege of their clergy, was complained of in parliament, in 51 E. III.; and by king E. VI., wholly abrogated and taken away.

Coke's Instit. p. 2.
fol. 274.
1 E. VI.
c. 12.

The next year, Llewellyn, prince of Wales, revolted, and harassed the marches. To put a stop to these depredations, the king levied an army, and sent his writ to the bishops to make good the services of their tenure, and send their *quota* of men into the field.

See Records, num. 40.

This Llewellyn, continuing in his rebellion, was not long after excommunicated by the archbishop of Canterbury and other prelates. The king wrote to the archbishop to this purpose; and adds, in the close of the letter, that he hoped the spiritual sword might give a considerable assistance to that of the civil magistrate; and that the censures of the Church might make a serviceable impression, and prove effectual towards the suppressing the rebellion.

Conventions, Litteræ, &c. tom. 2. p. 79.

Id. p. 188.

Archbishop Kilwarby resigns his see.

Godwin in Archiepisc. Cantuar. Pits de Illustr. Angl. Script. p. 357.

Archbishop Kilwarby, upon his promotion to the cardinalate of Oporto, resigned the see of Canterbury, and went to Rome. To say something of him at parting: he was an Englishman by birth, studied in Oxford and Paris, and afterwards entered into the order of the Minorites. In the first year of his consecration, he made some regulations for the Court of Arches, and digested them into five articles. Not long after, he made a provincial visitation, took the universities in his way, and distinguished himself very much by his disputations there. Upon his return, he founded a monastery for the Minorites at London, and another for the

Dominicans at Salisbury. To conclude with him: he was a prelate of eminent learning, and wrote a great many tracts. Upon the vacancy, the monks of Canterbury chose Robert Burnell, bishop of Bath, who was in Gascony upon the king's business. Though this election was unanimously carried, the pope, by the plenitude of his power, thought fit to set it aside, and gave the see of Canterbury to John de Pecham, a Franciscan of eminent learning. He was consecrated at Rome, on Mid-Lent Sunday, and came into England not long after.

ED-
WARD I.
K. of Eng.

Wikes,
Chronic. p.
107, 108.

Soon after his arrival, he held a provincial synod at Reading. Here the canons of the general council of Lyons were renewed with reference to pluralities; all rectors of parishes being confined to one living with cure of souls; and all persons that had any Church preferment were obliged to take priests' orders within a year. The rest of the constitutions are mostly repetitions of former synods. However, some part of the provisions bearing hard upon the prerogative, and reaching too far into the civil state, the archbishop was obliged to retract them. The revocation recorded in the close rolls in the Tower runs in the form following:—

A. D. 1279.

A synod at Reading.

Id. Spel.

Concil. vol.
2. p. 320.

“Memorandum quod venerabilis pater J. Cantuar, archiepiscopus venit coram rege et concilio suo in parlamento regis in festo sancti Michaelis, anno regni regis septimo, apud Westm. et confitebatur et concessit quoddam, de statutis, provisionibus, et declarationibus eorundem, quæ per ipsum promulgatæ fuerunt apud Rading. Mense Augusti anno eodem, inter quasdam sententias excommunicationis quas idem archiepiscopus ibidem promulgavit; primo, deleatur et pro non pronunciata habeatur illa clausula in prima sententia excommunicationis, quæ facit mentionem, de impetrantibus literas regias ad impediendum processum in causis quæ per sacros canones ad forum ecclesiasticum pertinere noscuntur.

Concil.
Rading.
can. 1.

“Secundo. Quod non excommunicentur ministri regis, licet ipsi non pareant mandato regis, in non capiendo excommunicatos.

Id. can. 7.

“Tertio. De illis qui invadunt maneria clericorum, ut ibi sufficiat poena per regem posita.

Id. can. 9.

“Quarto. Quod non interdicat vendere victualia Ebora-censi archiepiscopo, vel alii venienti ad regem.

PECHAM. “ Quinto. Quod tollatur Magna Charta de foribus eccle-
 Abp. Cant. siarum; confitetur etiam et concessit; quod nec regi, nec
 Id. can. 11. heredibus suis, nec regno suo Angliæ, ratione aliorum arti-
 culorum in consilio Rading, contentorum, nullum prejudi-
 cium generetur in futurum.”

Claus. 7. E.
 1. M. Dor-
 so.

By this record, Mr. Prinn pretends that the bishops could neither summon any provincial council, or make any canons or constitutions to bind the king and subject without the king's special license and the assent of parliament.

Prinn's
 Records,
 vol. 3. fol.
 236.

To this it may be answered, first, that if by binding the king and kingdom he means the binding of property, stopping the course of the common law, or laying restraints upon the civil jurisdiction, it is granted that the Church has no authority from our Saviour to overrule these matters: and therefore, since the archbishop and his suffragans had gone too far in the council of Reading, and exceeded their commission by interposing in cases of property; considering this, I say, the archbishop's renouncing this stretch of jurisdiction was no more than his duty. Now all the articles retracted in this record are wholly of this kind, as is manifestly evident; but secondly, if Prinn's assertion goes any farther, if he affirms, as he seems to do, that the bishops had no authority to meet in synods, or make any canons in matters purely spiritual, without the consent of the state, nothing can be more repugnant to the practice of the ancient Church, and of that part of it in England, than such an affirmation. That the case stands thus, I have made good from several proofs already, both in instance and argument.

480.

This year, or as some historians place it, the next, the statute of mortmain was passed. The reasons for making this law will best appear by the recital of the statute, which runs thus:—

*The statute
 of mort-
 main.*

Whereas, of late, it was provided that religious men should not enter into the fees of any, without the license and will of the chief lords of whom such fees be holden immediately: and, notwithstanding, such religious men have entered as well into their own fees, as into the fees of other men, appropriating and buying them, and sometimes receiving them of the gift of others, whereby the services that are due of such fees, and which at the beginning were provided for defence of the realm, are wrongfully withdrawn,

and the chief lords do lease their escheats of the same. We, therefore, to the profit of our realm, intending to provide convenient remedy, by the advice of our prelates, earls, barons, and other our subjects being of our council, have provided, made, and ordained, that no person, religious or other, whatsoever he be, that will buy or sell any lands or tenements; or under the colour of gift or lease; or that will receive by reason of any other title, whatsoever it be, lands or tenements; or by any other craft or engine will presume to appropriate to himself, under pain of forfeiture of the same, whereby such lands or tenements may any wise come into mortmain. We have provided also, that if any person, religious or other, do presume, either by craft or force, to offend against this statute, it shall be lawful to us and other chief lords of the fee, immediately to enter into the lands so alienated within a year from the time of the alienation, and to hold it in fee, and as inheritance. And if the chief lord immediate be negligent, and will not enter into such fee within the year, then it shall be lawful to the next chief lord immediate of the same fee, to enter into the same land within half a year next following, and to hold it as before is said; and so every lord immediate may enter into such land, if the next lord be negligent in entering into the same fee as is aforesaid; and if all the chief lords of such fees, being of full age, within the four seas, and out of prison, be negligent or slack in this behalf, we, immediately after the year accomplished from the time that such purchases, gifts, or appropriations happen to be made, shall take such lands and tenements into our hand, and shall enfeof other therein by certain services to be done to us for the defence of our realm, saving to the chief lords of the same fees, their wards and escheats, and other services thereunto due and accustomed. And therefore we command you that you cause the aforesaid statute to be read before you, and from henceforth to be kept firmly, and observed. Witness myself, at Westminster, the fourteenth day of November, the seventh year of our reign.

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WARD I.
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A. D. 1279.
*No land to
be alienated
in mortmain
upon the
penalty of
the for-
feiture
thereof.
Who shall
take the be-
nefit of the
forfeiture.*

7 Ed. I.

The design of this law, as we may see, was to check the growth of the abbeyes, to prevent the excessive wealth of the Church, and keep it from being over-proportioned to that of the state: for when estates were given to the Church,

PECHAM, several of the services incident to the fee, were sunk. In such cases, the lords lost their wards, marriages, and reliefs. But Mr. Fuller is mistaken in affirming the Church was bound to no knight's service for the defence of the realm; for, it is plain, the bishops and several of the monasteries held their baronies by knight's service, and were obliged to pay escuage, and send soldiers into the field in proportion to the number of their knights' fees. And (not to mention what has been said already) for this reason we find William Rufus displeased with Anselm; because when that prince marched his troops into Wales, the archbishop, as the king complains, sent him men not fit for service. And, in the reign of Henry IV., when the commons in parliament complained that the clergy enjoyed their estates without undergoing the common burthens, or giving their assistance to the necessities of the commonwealth; to this, amongst other things, archbishop Arundel replied, that the Church sent their tenants to serve the king in the field, no less than those who held of the laity.

PECHAM, *Abp. Cant.*

A mistake in Fuller rectified.

Fuller's *Ch. Hist.* book 3. p. 77.

Vid. supra.

Walsingham *Hypodigm. Neustriae*, p. 563.

A provincial synod at Lambeth. A. D. 1281. Westminster ad An. 1281.

In the year 1281, the archbishop of Canterbury convened a provincial synod at Lambeth. In his mandate to Richard Gravesend, bishop of London, after having mentioned the convening of the suffragans, he gives him to understand that he designed to summon all the inferior prelates: those dignitaries, according to the canons, being obliged to appear in council. Now, by inferior prelates we are to understand abbots, priors, deans, and archdeacons. But of any other representation of the inferior clergy, the mandate takes no notice; which is an argument, the state of the convocation was different from what it is at present.

Part of the business of this council was to confirm the constitutions of Otho and Othobon: and though the greatest part of the canons treat upon old matter, yet there are some things new, of which I shall inform the reader.

The cup taken away from some of the laity.

By the second canon it appears, that the communicating in one kind began to gain ground: for here, the parish priests, when they administer the holy communion, are enjoined to acquaint the more ignorant sort of the laity, that the body and blood of our Saviour, or the integrity of the sacrament, is contained under the single species of bread. They are likewise to teach them that what they receive in

the chalice, is unconsecrated wine, and given them only that they may swallow the other species with more conveniency. For, as the canon goes on, the blood of our Lord, under the species of consecrated wine is allowed only to the priest that celebrates, in these lesser churches.

ED-
WARD I.
K. of Eng.

We may observe therefore that this innovation of half communion had not yet prevailed in cathedral and conventual churches, nor in all likelihood in the universities. For this new doctrine was to be inculcated *simplicibus*, to the more illiterate sort of people: their ignorance being most likely to make them acquiesce under so unprimitive and uncatholick a practice. This, to say no more of it, was so notorious a departure from general custom and tradition, that they did not think it safe to venture upon a counter-practice all at once. They left the more knowing people to the benefit of both kinds. And where they were so hardy to do otherwise, they continued the appearance of the ancient usage, and gave the people the wine, though they retrenched the consecration.

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To proceed with the second canon; the priest is enjoined not to give the eucharist, without a sufficient assurance the person has been confessed. Neither is any rector or vicar allowed to give the holy eucharist to one of another parish, without the permission of the priest to whom such persons belong. But then this order was not to reach travellers, nor forbid the sacrament to any other persons in cases of necessity.

The third canon takes notice, that some of the clergy re-baptized those children who had been baptized by the laity. This practice is forbidden for the future: and where the priest has reason to doubt, whether the infant is baptized in due form or not, he is then to baptize him, with these conditional words, *Si non es baptizatus, Ego te baptizo, &c.*

The eighth canon complains, that the discipline for incest, and such other scandalous crimes, was sometimes hushed, and overlooked; it is therefore decreed, that such libertines should be put to open penance. And at the close it is added, that those who were guilty of wilful murder, should not receive absolution from any person beneath a bishop, unless he was *in extremis*, and lay in danger of dying.

The tenth takes notice how much the people are liable to

PECHAM,
Abp. Cant.

*Parish
priests
obliged to
explain the
principal
articles and
duties in re-
ligion four
times a year.*

Lament.

4. 4.
Isaiah, 41.
17.

suffer by the ignorance and indiscretion of their spiritual guides. And that some churchmen who had a talent for the pulpits, omitted preaching in those places that stood most in need of instruction; which makes the case applicable to that mentioned by the prophet, “the young children ask bread, and no man breaks it unto them.” And elsewhere it is said, “the poor and needy seek water, and there is none, and their tongue fails for thirst.” To prevent this misfortune, every parish priest is enjoined to explain the fundamental and necessary parts of religion to the people, every quarter; which was to be done in plain intelligible language, without making use of the niceties and distinctions of the schoolmen. The heads they were to expound upon, were these: the fourteen articles of faith; the ten commandments; the two evangelical precepts of love; the seven works of mercy; the seven deadly sins, with those which proceeded from them; the seven principal virtues; and the seven sacraments. And that no churchmen may pretend ignorance in these matters, the canon gives a brief recital of them.

*The four-
teen articles
of faith.*

As to the articles of faith; seven of them concern the mystery of the Trinity: four of these belong to the essence and properties of the Godhead, and the other three relate to the effects performed by that supreme Being. The first is the indivisible unity of the divine essence in three persons; agreeably to this part of the creed, “I believe in one God.” The second is to believe God the Father begotten of none. The third professes the Son begotten, and God. The fourth declares the Holy Ghost to be God, though neither begotten nor unbegotten, but proceeding equally both from the Father and the Son. The fifth article owns the creation of heaven and earth, (that is, of all visible and invisible creatures,) an effect of the whole and undivided Trinity.

The sixth comprehends the sanctification of the faithful by the Holy Ghost; and the sacraments of grace, and all other benefits received within the communion of the Church. From this branch it appears, that the sacraments, discipline, and authority of the Church, enforced by the assistances of the Holy Ghost, are a sufficient provision for the recovery of any sinner; and that without the pale of the Church there is no salvation.

The seventh article treats of the resurrection of the body; of its reunion with the soul, and the eternal happiness of the saints in the life to come. And by the different tendencies of virtue and vice, and the denunciations against sin in the Gospel, the misery of the wicked may be hence inferred.

ED-
WARD I.
K. of Eng.

The other seven articles relate to the humanity of our Saviour. The first is his incarnation, or his taking human flesh of the blessed Virgin, by the operation of the Holy Ghost. The second is the real birth of God incarnate of the immaculate Virgin. The third takes in the passion of Christ, both God and man, who suffered death upon the cross under Pontius Pilate. The fourth sets forth the descent of Christ's spirit into hell, while his body remained in the grave: the design of which descent was to conquer and triumph over the powers below. The fifth acquaints us with the resurrection of our blessed Saviour. By the sixth, we are taught his ascension into heaven. And the seventh instructs us in the doctrine of his coming to judge the world.

From hence, the archbishop, in his constitutions, proceeds to treat briefly of the Ten Commandments. The three first of these, according to his division, relate to God, and constitute the first table; the remaining seven concern our neighbour, and are called the commandments of the second table. The first commandment is, "Thou shalt have no other gods before me." By this precept all idolatrous worship is forbidden. Thus far the prohibition lies, as it were, upon the letter; but then by inference, all application to charms, all superstitious characters, and depending upon lots, are likewise forbidden. In the second, where it is said, "Thou shalt not take the name of the Lord thy God in vain," all heresy and error in religious belief is principally condemned; and, in a secondary sense, all blasphemy, irreverent mention of the name of God, and especially perjury, falls under the prohibition. In the third commandment, it is said, "Remember that thou keep holy the Sabbath day." And here, the worship of the true God, according to the forms of his own prescribing, is commanded; but then we are to observe, that the obligation to rest upon the Jewish Sabbath determined with the other legal ceremo-

482.

*A brief ex-
position up-
on the De-
calogue.*

PECHAM,
Abp. Cant.

nies ; and that now, under the New Testament, the circumstance of time is altered, and the meaning of the precept transferred to Sunday, and other holy days. And that the manner of keeping these days is to be governed by the canons of the Church, and not by any Jewish superstition.

The first commandment of the second table is, "Honour thy father and thy mother." We are commanded by the direct and more explicit meaning of this precept, to treat our parents with reverence and regard ; to submit to their authority, and furnish them, in case of need, with the conveniences of life. Now the extent of this command reaches much farther than our natural parents ; for, in a reductive sense, the bishop of the diocese and the priest of the parish, may be said to be our parents, and the Church is our mother in a spiritual signification ; besides, all persons, according to their different degrees of distinction and authority in the state, may challenge a share of deference and submission. The second precept in this division is, "Thou shalt not kill;" by which, the unauthorized taking away any person's life, either by committing, encouraging, or consenting to the murder, is more directly forbidden. But this is not all, for, under these words, all injurious practice, and deserting the interest of our neighbour, is likewise condemned : thus, those who refuse to relieve the indigent, may be said to destroy them. Those, likewise, who murder a man's reputation, are guilty of the breach of this commandment, and so are all such who harass and distress the innocent. The third commandment says, "Thou shalt not commit adultery." And here, violating the rights and faith of marriage is principally condemned in the prohibition. Fornication, likewise, is no less intelligibly forbidden, as appears by the text in Deuteronomy, where it is said, "There shall be no whore of the daughters of Israel." But farther, the command extends, by way of reduction, to all instances of insobriety and impurity. The fourth command declares, "Thou shalt not steal." The most obvious sense of which precept condemns the clandestine conveying away another man's property without his consent ; but then, the force and intent of the law goes much farther, and declares against seizing what belongs to our neighbour either by fraud or violence. The fifth commandment is, "Thou shalt not bear

Deut. 23.
17.

false witness against thy neighbour." This precept, in the first place, pronounces against giving of false testimony to the damage of our neighbour; but, in a secondary sense, the text may be construed to a disallowing of undue commendation, in order to the promoting an unworthy person. Lastly, under this command, all sort of lies, but especially those which are told out of malice and mischief, are condemned. The sixth command is, "Thou shalt not covet thy neighbour's house;" or, as the Latin in the constitution runs, *non concupisces rem proximi tui*. By this command, we are forbidden to desire the real estate of our neighbour, and especially if he is a Christian. This exposition Linwood interprets farther, to a very clear and orthodox meaning, and affirms that we are no less barred from coveting the estates of infidels; but then he throws in this qualification, provided they have not formerly been wrongfully wrested from the Christians; for, it seems, according to him, *Nullum tempus occurrit Christianis*. The seventh and last commandment of the second table is, "Thou shalt not covet thy neighbour's wife, nor his servant, nor his maid, nor his ox, nor his ass, nor anything that is his." And here the coveting our neighbour's stock or personal estate, as the constitution distinguishes, is forbidden.

ED-
WARD I.
K. of Eng.

Linwood,
l. 1. tit. 11.
p. 59.

To these ten commandments we are to add those two, principally insisted on in the Gospel, the love of God, and of our neighbour. For the first, he may be said to love God as he ought, who obeys him more upon the motives of love than fear: and as for our neighbour, every one ought to love him as himself, where the particle, *as*, does not so much import equality, as sincerity and resemblance, *nullum simile est idem*; for instance, you are to love your neighbour as yourself, that is, you are to wish him under no circumstances but what may probably turn to his advantage; you are to desire his best interest, his reformation, his progress in virtue, no less sincerely than your own. Farther, we are to love our neighbour as ourselves with respect to constancy and time; that is, in prosperity and adversity, in health and in sickness, and under all the varieties of age and condition. We are to love our neighbour as ourselves with respect to proportion and degree; that is, we are to prefer men to money, and value

PECHAM, our neighbour above the considerations of interest and Abp. Cant. fortune. To proceed; this duty obliges us to prefer our neighbour's salvation to our own lives. If we fail in this mark of affection, we fall short of the extent of the precept, and do not love him as we ought to love ourselves. And, lastly, we ought to practise the duty in the most comprehensive latitude, taking the whole species into the notion, and assist every man in his necessities, as we may desire to be treated ourselves under the same condition. All this affection, all these kind offices, are contained in the precept, "Thou shalt love thy neighbour as thyself."

*The seven
works of
mercy.
Chap. 25.*

To proceed: six of the seven works of mercy may be learned from St. Matthew's Gospel: to feed the hungry; to give drink to the thirsty; to entertain the stranger; to clothe the naked; to visit the sick; to administer comfort to those in prison. The seventh work of mercy, or the seventh branch of charity and good nature, is to bury those who have nobody else to perform this last office of humanity to them.

Tobit 2.

*The seven
deadly sins.*

Farther; the seven capital or deadly sins, are pride, envy, anger, hatred, aversion to goodness and religion, covetousness, and epicurism. To give a brief description of these vices. Pride is an overrating of one's own excellency. The product of this excess of self-love is ostentation, pretending to those good qualities and perfections which do not belong to us; contempt, misunderstandings, and such like. Envy imports an aversion for the happiness of another. Hence comes repining, detraction, animosities, prejudice in opinion, &c. Anger implies a desire of revenge, and an intention of making another smart under our passion; this quality, when it continues upon the mind, settles into hatred; from hence frequently proceed outrage in language, quarrels, murder, and such like. *Acedia*⁹ (for it is hard to translate it in a single word) is a strong indisposition for spiritual duties; it supposes us to have no taste for devotion, nor to take any delight in the contemplation of the divine nature; the consequence of this vice makes a man heavy and dispirited in the pursuit of his duty, and despair of overcoming the difficulties in his way. Avarice is an immoderate love of riches, and discovers itself in unlawful acquisitions. This vice makes way for a great many scandalous practices, as circumvention, theft,

⁹ *Ἀκηδία*, carelessness, indifferentism.

sacrilege, simony, not to mention many other instances of meanness, cruelty, and falsehood. 6. Intemperance, or gormandising, is an immoderate appetite in gratifying the palate. And here the excess may be divided into five branches: 1. With respect to time, when a man eats at unseasonable hours, or too often. 2. With respect to the quality; when he is too nice in the choice of his diet. 3. In the quantity; when he exceeds the due proportion, and gorges himself with eating or drinking beyond the rules of health. To load the stomach in this manner with meat or drink is the meanest sort of epicurism. It lays a weight upon the constitution, impairs the spirits, and disables the functions of life. The fourth instance of this vice is, a voracious desire, chopping too eagerly at refreshment, and indulging the keenness of the palate. It is commonly promoted by the last branch of this excess, and that is, by an over-curious and expensive preparation, done on purpose to awaken and provoke the appetite. Lastly; as for debauchery, which is frequently the effect of the intemperance last mentioned, it is too common not to be known, as well as too scandalous to dilate upon.

ED-
WARD I.
K. of Eng.

To go on: the seven principal virtues are, faith, hope, and charity, which three, having God for their object, are called theological virtues. The other four, prudence, temperance, justice, and fortitude, relate to ourselves and our neighbour. Prudence consists in taking true measures, and pitching upon a proper choice. Justice teacheth us to give everybody that which is their due. Temperance imports a command of appetite, and a superiority over improper satisfactions. Fortitude enables us to maintain reason and conscience, and not desert our duty upon the score of hardship. These are called the four cardinal, that is, the four principal virtues, because they are the grand rules of life, and contain a great many other precepts of morality within their general notion. But since we design this discourse chiefly for the benefit of the plainer and less knowing sort of people, we shall enlarge no farther upon these heads.

*The seven
principal
virtues.*

The remaining subject, in which the parish priest was to instruct the people, is the seven sacraments: these are called *Sacramenta Gratiae*, the conveyances of grace, or the means for supernatural assistance. Their number is seven

PECHAM,
Abp. Cant.

484.

Si tamen sit
prædestina-
tionis filius.

Spel. Con-
cil. vol. 2.

p. 332.

Linwood
lib. 1. tit. 7.
et 11.

Pope Martin
notifies his
promotion to
the king.

Conventi-
ones Lite-
ræ, &c. tom.
2. p. 167.
Id. p. 169.

in the constitution, and the power of administering them is committed to the clergy. Five of these sacraments are to be received by all Christians in general; that is, baptism, confirmation, penance, the holy eucharist, and extreme unction, which last is only to be given at the point of death. However, the sick person should be assisted this way, if it may be, before he is so far spent, as to lose the use of his reason: but if he happens to be seized by a frenzy, this sacrament ought, nevertheless, to be administered to him, provided he gave any signs of a religious disposition before his mind was disturbed; under such qualifications, extreme unction is believed beneficial to the sick person (provided he is predestinated), and either procures him a lucid interval, or some spiritual advantage. The other two sacraments, are orders and matrimony. The first reaches no farther than the clergy: the latter, according to the constitution, can be applied to none but the laity.

These are the subjects in which the priests are enjoined to instruct their parishioners. Upon these points of faith and practice, they are bound to preach every quarter; and oftener too, if occasion should require. And as for the other times, they were left, I suppose, to the latitude of their own discretion. I have translated this article of the Lambeth Constitutions at large, to shew the prudence of the provision, and do some justice to the Church of this age. From hence the reader may easily discover, the bishops were not so forgetful of their people's interest, nor so negligent in the discharge of their office, as they are sometimes represented.

This year, Martin IV. was advanced to the papacy, and according to custom, he gives king Edward an account of his promotion. In the latter end of his letter he exhorts the king to make use of his authority for the defence of justice and religion, and concludes the address with the promise of his countenance and assistance.

About this time, the king made Haginus, high priest for the Jews: his patent is for life, and runs much in the same form with that mentioned in the reign of king John.

Archbishop Pecham took a journey into the western marches, and published an excommunication against Llewelyn, prince of Wales, and his abettors. Not long after, the

king marching his forces into Wales, gave Llewelyn battle, in which that prince's army was routed, and himself slain. Soon after the fight, David, his brother, was taken prisoner. And thus the Welsh were wholly subdued, insomuch that the barons of that country came to the parliament at Northampton, and took the oath of fealty and homage to the king.

ED-
WARD I.
K. of Eng.
*The Welsh
conquered
again.*

Pope Martin, notwithstanding his ceremony to the king at his coming to the chair, wrote a menacing letter about two years after. The occasion of it was this; pope Gregory X. had a tenth given him upon the clergy, at the council of Lyons, for the regaining the Holy Land. This contribution being collected by the king in England, the pope took it ill that the money should be lodged in any other hands excepting his own receivers', and therefore, to settle this matter to his inclination, he wrote to archbishop Pecham, commanding him to go to the king and remonstrate against his proceedings. The pope complains in his letter, that the king had taken part of the money, by force, out of the hands of his holiness's collectors. That this violence was a great sin against the divine Majesty; a publick contempt of the apostolick see, and very prejudicial to the Christian interest in the Holy Land. And after a great deal of flourish and complaint, he charges the archbishop to go in person to the king, and press him to satisfaction; acquainting him withal, that unless the money be restored within the space of a month, his highness must expect the discipline of the Church; and that his holiness will direct his censures against his person and dominions, as the nature of the fact shall require.

Antiquit.
Britan. in
Pecham.

*Pope Mar-
tin's menac-
ing letter.*

A. D. 1283.

Antiquit.
Britan. in
Pecham. ex
Regist. ejus.

The delivering this message was a nice affair: however, the archbishop being less afraid of the king's displeasure, than the pope's, went to court and discharged his commission. The king, notwithstanding the peremptoriness of the demands, was not willing to break with the pope, and therefore promised to restore the money within the time required; not to seize any such moneys for the future, nor put any hardship upon his holiness's receivers: for these, we are to observe, were the three points the pope positively insisted on.

*The king
complies
with the
pope's de-
mands.*

Id. p. 196.

Archbishop Pecham, having executed the pope's order,

PECHAM, entered upon a provincial visitation. He began with the *Abp. Cant.* Jews, and wrote to the bishop of London to pull down all their synagogues. The rigour, as some called it, of this mandate, was abated by the king: and the Jews were allowed one synagogue in the city: however, the pomp of their service was lessened, and a great many of their ceremonies cut off. To proceed; the archbishop acted with great vigour and impartiality in his visitation, made a thorough inspection into matters, and exerted his discipline upon great numbers of the clergy and laity. For instance; in the first place, he enforced the canons against the plu-

The strictness and impartiality of the archbishop's discipline.

485.

Pluralists reduced.

And when they had appealed to the pope, he maintained the articles against them, and forced them, at last, to submit to his sentence, and drop the cause. After he had carried his point over these great men, he went on to the inferior clergy, and compelled them all to throw up their pluralities, and be contented with a single benefice. He pressed this part of discipline the closer, to take off an imputation he lay under at the court of Rome; where some of the cardinals had traduced him to the pope, as if he had favoured the misbehaviour of the English clergy too much, and been too gentle in his government against this disorder. To clear himself of this charge, he not only reduced the clergy to the appointments of the Church; but likewise declared with great vehemence against pluralists, calling them sons of Belial, contemners of the canons, and sacrilegious usurpers of the holy revenues.

Non-residence punished.

Neither did he manage his discipline with less strictness against non-residence. And, which is commendable, he struck at those who were best fortified, and in the highest stations. For instance; the bishop of Lichfield, being a foreigner and unacquainted with the English language, lived commonly out of his diocese: to this prelate the archbishop sent a publick summons to return and reside upon his see, under the penalty of deprivation. And when he came to Lambeth, the archbishop reprimanded him severely, and

told him, that since he had the misfortune not to be qualified to preach to his people, he was rather the more obliged to dwell among them, and spend his revenue in hospitality, and relieving the poor.

ED-
WARD I.
K. of Eng.

He likewise appeared with great courage and zeal against license and debauchery. For example; when he visited the diocese of Chichester, he imposed three years' penance upon one Roger Ham, a priest convicted of fornication. This penance, which he was sworn to perform, was to consist in prayers, fasting, and pilgrimages; and besides, the profits of his living were sequestered for the use of the poor.

Farther, when he passed through the counties of Dorset and Wilts, and was informed that one sir Osburn Gifford had carried off two nuns from the monastery of Wilton, he proceeded to excommunication against him; neither could he be prevailed on to remit the censure, without these remarkable conditions. First, sir Osburn was obliged never to go into a nunnery, nor so much as converse with any nun. Secondly, he was to be stripped to the waist, three Sundays together in Wilton parish church, and beaten with rods. This discipline was to be publicly repeated both in the market-place, and parish church of Shaftesbury. He had likewise a fast of several months enjoined him: was debarred the liberty of wearing a sword, or appearing in the habit of a gentleman. He was also to undergo three years' pilgrimage in the Holy Land. All this penance, he was bound under oath to perform. The archbishop likewise took care to have the nuns returned, and put under discipline.

A. D. 1284.
Debauchery
and licen-
tiousness
corrected.

The next year, at the parliament holden at Westminster, the statute of *circumspecte agatis* was passed. This act was made to distinguish the jurisdictions, and ascertain the bounds of the spiritual and temporal courts: and is designed for a sort of barrier between the Church and state. The statute runs thus:

The king to his judges sends greeting: "Use yourselves circumspectly in all matters concerning the bishop of Norwich and his clergy, not punishing them if they hold plea in court Christian of such things as be mere spiritual; that is to wit, of penance enjoined by prelates for deadly sin, as fornication, adultery, and such like; for the which, sometimes corporal penance, and sometimes pecuniary, is

The statute
of circum-
specte aga-
tis.

In what
cases the
king's pro-
hibition does
not lie.

Id. p. 197.

PECHAM, enjoined, especially if a free man be convicted of such things.
 Abp. Cant. Also, if prelates do punish for leaving the churchyard unclosed, or for that the church is uncovered, or not conveniently decked, in which cases none other penance can be enjoined but pecuniary.

“*Item.* If a parson demand of his parishioners oblations, or tithes due and accustomed; or if any parson do sue against another parson, for tithes greater or smaller, so that the fourth part of the value of the benefice be not demanded.

“*Item.* If a parson demand mortuaries in places where a mortuary has been used to be given.

Advocatus. “*Item.* If a prelate of a church, or a patron, demand of a parson a pension due to him, all such demands are to be made in a spiritual court. And for laying violent hands on a clerk, and in cause of defamation, it has been granted already that it shall be tried in a spiritual court; when money is not demanded, but a thing done for punishment of sin, and likewise for breaking an oath. In all cases afore rehearsed, the spiritual judge shall have power to take knowledge, notwithstanding the king’s prohibition.”

See Records, num. 41.

The interest of the Church being particularly concerned in this statute, I shall give the reader some remarks upon it, and mostly from sir Edward Coke.

Nath. Bacon. Hist. Dis. of the Government of England. l. 1. p. 234.

First. The authority of this act is questioned; it is styled a writing somewhat like a grant of liberties, which before times were in controversy: and this grant (if it may be so called) has, by continuance, usurped the name of a statute, but in its own nature is no other than a writ directed to the judges.

The authority of the act made good.

Coke’s Institutes, part 2. fol. 487. Coke, *ibid.*

486.

The learned sir Edward Coke takes notice of this objection, and gives it an answer beyond reply; “Though some,” says he, “have said that this was no statute, but made by the prelates themselves; yet that this is an act of parliament is proved, not only by our books, but also by an act of parliament.”

To proceed to some of the branches of the statute.

[In all matters concerning the bishop of Norwich, &c.]

The bishop of Norwich is here only put for example; but the force and benefit of the statute extends to all the bishops of the realm.

[In court Christian.]

The court Christian, as Linwood and sir Edward Coke explain it, is so called, because, as in the secular courts, the king's laws sway and decide causes, so in ecclesiastical courts, the laws of Christ give the measure and direction; for which cause the judges of those courts are divines, as archbishops, bishops, archdeacons, &c.

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WARD I.
K. of Eng.
Remarks
upon the
statute.

[Such things as be mere spiritual.]

They are called mere spiritual, for that they have no mixture of the temporalities, and because they are corrections *pro salute animæ*.

The famous lawyer Britton, who lived about the time of making this statute, affirms that holy Church has the cognizance of pure spirituals: heresies, schisms, holy orders, and the like, as sir Edward Coke rightly observes, are mere spiritual things. In short, all things fundamental to the government and independent state of the Church, and without which, it can neither subsist upon its divine charter, nor attain the end of its institution: all these things, I say, may be called mere spirituals, and lie within the jurisdiction of the Church. Because all independent societies must have a sufficient power of government and legislation to preserve themselves. Britton, who is supposed to have written before the making of this statute, declares causes matrimonial, and testamentary, bastardy, bigamy, felony of clerks, besides several other things mentioned in this act, to be all within the cognizance of the court Christian.

Ibid. fol.
488.
Britton, fol.
2.
Matters
within the
cognizance
of the spiri-
tual court.

On the other side it is said that the administration of the goods of a man dying intestate, was granted to ordinaries by the king, and the great men of the realm, and that the probate of testaments belongs to court Christian by the custom of England, and not by common right. This assertion seems sufficiently defensible: for since our Saviour's kingdom is not of this world, the Church can have no authority to bind property, and determine about civil interest; and therefore all jurisdiction of this kind must be conveyed to her by the secular magistrate: however, after such jurisdiction is once vested in her by ancient usage, or the acts of the state, her title stands upon the common foundation of law, and is equally guarded with the rest of the subjects' property.

Ibid.

Coke Inst.
p. 2. fol. 488.
Joh. 18. 36.

To go on with the act. [For deadly sin, as, fornication, Adultery,
&c.

PECHAM, adultery, and such like.] Upon these words, sir Edward
 Abp. Cant. Coke observes, that in ancient time, the king's courts, and
 Coke *ibid.* especially the leets, had power to enquire of, and punish
 fornication and adultery by the name of Letherwite: and,
 as he adds, it appears often in the Book of Domesday, that
 the king had the fines assessed for those offences that were
 assessed in the king's courts, and could not be inflicted in
 the court Christian. [And such like.] That is, as Linwood
 expounds it, incest and other crimes which lie under the
 head of licentiousness: to which he adds, sacrilege, heresy,
 simony, perjury, &c. But then, he very justly puts a limita-
 tion upon the words, "mortal, and deadly sin," mentioned in
 the statute. This, says he, is not to be understood of every
 mortal sin, but only of such as, in their own nature, are
 punishable in the ecclesiastical court. For, if the cognizance
 of every mortal sin belonged to the Church, the jurisdiction
 of the civil magistrate would be, in a manner, extinguished:
 for there being injustice, and, by consequence, mortal sin,
 in most law suits, at least on one side: at this rate, almost
 every cause might be drawn within the verge of the court
 Christian.

Linwood de
 Foro Com-
 petenti, lib.
 2. tit. 2. p.
 96.

*Churches
 and church-
 yards.*

Britton. fol.
 2. Coke
ibid. fol.
 489.

[Also, if prelates punish for leaving the churchyard un-
 closed.] The parishioners ought to repair the enclosure of
 the churchyard, because the bodies of the more common
 sort are buried there. This is done out of a regard to the
 bodies of the dead, to preserve the graves and the church
 from injury and annoyance. And though this, by common
 law, is to be done at the charge of the parish, the cognizance
 of the failure belongs to the spiritual judge.

[Or for that the church is uncovered, or not conveniently
 decked.]

In like manner, the parishioners, by this act, ought to re-
 pair the church; for that it is the place where divine ser-
 vice is celebrated, and where the bodies of the parishioners
 of the best quality are buried; in respect whereof this law
 does allow the ecclesiastical court to have cognizance
 thereof, and for the providing of decent ornaments, for the
 celebration of divine service.

Coke *ibid.*

The clause relating to the church being uncovered, is in-
 tended not only of the body of the church, which is paro-
 chial; but also of any publick chapel annexed to it: but it

extends not to the private chapel of any, though it be fixed to the Church; for that must be repaired by him that has the proper use of it. ED-
WARD I.
K. of Eng.

The next branch of the statute, for declaring the jurisdiction of the Church, comprehends oblations and tithes. Here *Tithes.* sir Edward Coke observes, that anciently, and before the making the statute of Westminster the second, disputes concerning tithes were tried in the king's court: before which act, no parson was allowed to demand tithes in the court Christian. Coke, ibid.
18 E. III.
c. 7.

He proves his opinion farther, by Britton's omission of tithes, in his recital of those things which belong to the jurisdiction of the Church. From hence he infers that, in the recital of the statute of the first of Richard II., where it is said, that suit for tithes, of right ought, and of ancient time did, pertain to the spiritual court; these words must be understood by force of former acts of parliament. He means that the cognizance of tithes was a thing annexed to the spirituality by the concessions of the state, and vested in the Church by Westminster the second, by this act before us, by the Articuli Cleri in the next reign, &c. But 4 E. III.
487. after all, he concludes that, at this day, it is without question, that for subtraction of tithes, the *conusans* by force of divers acts of parliament does belong to the ecclesiastical court. *Mortuaries.*
W. 2. 13.
E. I. Arti-
culi Cleri.
c. 1. &c.
18 E. III.
c. 1. &c.

To proceed with the statute. [If a parson demand mortuaries.] A mortuary is so called, according to Linwood, *quia relinquitur ecclesiae pro anima defuncti*; it is commonly defined, a gift left by a man at his death, by way of recompence for all failures in the payment of tithes or oblations. It is called corpse presents, because it was offered in behalf of the corpse, or person deceased. The manner of paying the mortuary was anciently by leading, driving, or carrying the horse, cow, &c., before the corpse of the deceased at his funeral; from whence it appears, that the reason of leading horses before the corpse at the interment of persons of quality, was designed for a mortuary, and not so much for any regard to the military character of the deceased. Coke, ibid.
fol. 490.

Sir Edward Coke observes, that no mortuary is due by law, but only by custom, and proves his opinion from the words of this act; viz., as it stands in the Latin, *ubi mortu-* Linwood,
l. 1. tit. 3. de
Consuetu-
dine p. 21.
Coke ibid.
fol. 491. Coke, ibid.
Britton. fol.
11.

PECHAM, *arium dari consuevit*: and then concludes, this act allows the *conusans* thereof to the court Christian.

Abp. Cant.

Spel. Con-
cil. vol. 1
p. 517.

As for the antiquity of this payment, it seems to run up beyond the Conquest: for in the national council of Engsham, held about the year 1006, there is mention made of mortuaries, and the time when they were to be paid, in these words, as they are translated by Sir Henry Spelman, "*sed æquissimum est ut animæ symbolum [quam pecuniam sepulchralem nunc vocant] semper dependatur cum sepulchrum sit effossum*." And thus, the *symbolum animæ* in the Saxon imports an acknowledgment or consideration paid for the welfare and benefit of the soul; but though the time for the payment of this *symbolum animæ* is stated by the canon, yet the thing was probably left at discretion by the English Saxon Church. The motive above mentioned seems to have been the first ground of paying mortuaries; though, afterwards, for the greater security of the person, tithes forgotten were thrown into the consideration. After the Norman Conquest, the circumstances of this payment were farther determined, and the second best beast of the deceased ordered to be paid. The reason why the second best beast is pitched upon, is I conceive, because, the best of all was oftentimes due for a heriot to the lord of the manor. This business is farther regulated by the twenty-first of Henry VIII., [where the reader may see where mortuaries ought to be paid, for what persons, how much, and in what case there is nothing due. To return to the statute.

Linwood
de Consue-
tudine p. 21.
Spel. Glos-
sar. in Ha-
riot.

21 H. VIII.
c. 6.

Laying
violent
hands on
clerks.

[And for laying violent hands on a clerk.]

Here, the learned sir Edward Coke remarks a difference between the case of churchmen, and goods dedicated to divine service; the one being within the purview of the statute, and the other not: for, as he goes on, for laying violent hands upon the person of any within holy orders, the ecclesiastical court has *conusans*; but for the violent taking away or consuming the ornaments of the Church, or goods dedicated to divine service, such as the Bible, the service-book, the communion-plate, &c., that court has no *conusans*, but remedy must be taken at the common law.

Coke's In-
stitut. fol.
492.

[And in cause of defamation.]

Defamation.

Here, sir Edward Coke draws an abatement upon the

jurisdiction of the Church, from the words *concessum fuit alias*, it has been granted already. From hence he infers that the *conusans* of defamation was granted to the Church by act of parliament, and lays the stress of the point upon the word *concessum*. Now this argument proves a great deal too much; for, from hence it will follow, that all the liberties and privileges of the subject, mentioned in Magna Charta, were mere acts of grace, and free gift from the crown, and that the subject had no prior claim or title to them; for in the first chapter of Magna Charta, which runs solely in the king's name, the words *concessimus et dedimus*, are used with reference to all the branches of that statute: and yet historians tell us, and without doubt sir Edward Coke was of the same opinion, that most of the liberties mentioned in Magna Charta were the right of the subject before the making of that act; and, therefore, the words *concessum fuit* may be only declarative of the Church's right from ancient custom, without any reference to an act of parliament. The rest of sir Edward Coke's restrictions upon this clause are more unexceptionable. He observes, that defamations granted to the *conusans* of ecclesiastical judges, ought to concern matter merely spiritual, as to call a man heretick, schismatick, or the like. Secondly, It must not be mixed with any matter determinable at the common law. And, thirdly, the complainants cannot sue for any damages upon this score in the court Christian.

ED.
WARD I.
K. of Eng.

To mention one thing more in the statute. [And likewise for breaking an oath.] Here the translation in the printed statutes does not reach the meaning of the record exactly. The words of the Latin are *pro lésione fidei*, which, as Linwood observes, imports breach of faith without an oath, as well as with it. And whereas sir Edward Coke restrains the jurisdiction implied in this clause to things merely spiritual, it is plain from the late constitutions at the synod at Merton, that the Church pretended to more privilege than this exposition amounts to; and that they looked upon breach of faith in contracts as a branch of their jurisdiction. Since, therefore, the pretensions of the court Christian are not barred by express words in the statute, the claim in the Merton provisions seems to be allowed.

Breach of
faith.
488.

Linwood,
l. 5. Tit. 15.
p. 315.

Vide,
supra ad
An. 1258.
Linwood,
ibid.

This year, pope Honorius IV. gave the king an account

PECHAM,
Abp. Cant.

of his election. The letter takes notice of the king's desire to receive a tenth from the Church for five years together, towards the service of the Holy Land. It seems the king had requested the pope to grant him this privilege, provided the prelates' consent could be gained to the contribution. The pope excuses himself upon the impracticability of the proposal; that it would undoubtedly prove prejudicial to a third interest, and be a precedent of ill consequence. At the conclusion of the letter, he desires the king not to be surprised to find the bull or seal, without any name subscribed; for it had been the custom of his predecessors not to sign their letters till after consecration. However, we are to observe, that notwithstanding the omission of the popes' names, their bare election gives them a full authority in this point; and their bulls are no less valid before consecration than after.

Conven-
tiones, Li-
teræ, &c.
tom. 11. p.
296. et 427.
Id. p. 300.
A. D. 1286.

Sandford,
bishop of
Dublin.

Not long after, the pope wrote another letter to the king to recommend John de Sandford, elect of Dublin. This Sandford was an Englishman, and brother of Fulk de Sandford, the last bishop but one of that see. John de Sandford was consecrated at Dublin in the year 1286. King Edward had a great esteem for this prelate, and made him lord justice of Ireland; he was afterwards sent ambassador to the emperor, which employment he discharged to satisfaction. He died immediately after his return. Sir James Ware gives him the character of a learned prelate, and that he was remarkable for capacity and good conduct.

Ware de
Præsul. Hi-
bern.

The queen
dowager
takes the
veil.

Westmo-
nast. ad An.
1286.

This year, Eleonora, the queen dowager, retired to the nunnery of Amesbury, and was professed there. However, notwithstanding her being a nun, her jointure was secured by a special privilege from the pope.

Wikes
Chron. An-
tiquit. Bri-
tan. in Pe-
cham.

This year, the archbishop of Canterbury censured eight heretical opinions, as they were called. They were maintained by Richard Knapwell, a Dominican, or preaching friar; I shall mention some of them.

The first article is, that the dead body of our Saviour had not the same substantial form as when living.

The second is little more than the first, differently expressed.

Hetero-
doxies con-
demned by
the arch-
bishop of
Canterbury.

The third affirms, that if the eucharistical bread had been consecrated with the sacramental words, *hoc est corpus meum*; if this had been done during the three days our

Saviour lay in the grave, the bread would have been transubstantiated into that new form, or nature, which commenced in our Saviour's body at the separation of the human soul.

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WARDI.
K. of Eng.

The fourth article asserts, that after the resurrection of our Saviour by the force of the sacramental words, "This is my body," all the bread is transubstantiated into the whole living body of our Saviour: that is, the matter of the bread is converted into the matter of Christ's body, and the form of the bread is converted into the form of his body; that is, into his intellectual soul, so far as it constitutes the form of his body.

The seventh lays down, that in maintaining these points, a man is not bound to rest his faith upon the pope's authority, or be governed by the tenets of Gregory, Augustine, or any other celebrated doctor: for, in these cases, the holy Scriptures, and evident deductions from reason, are the only principles to command our assent.

Lastly, that the rational soul was the only human form; and that a man had no other substantial form belonging to him. This article was looked upon as the capital heterodoxy, and that the other erroneous opinions were only consequences from it. These opinions were all pronounced heretical by the archbishop at Bow-church, in London. And all university men and others forbidden to defend them in schools, or elsewhere, under the penalty of excommunication.

Ex Registr.
Pecham
fol. 120.
Spel. Con-
cil. vol. 2. p.
347.

To this year we may assign the death of Hugo de Balsham, bishop of Ely. This prelate was elected by the prior and convent, in the year 1256; but king Henry and Boniface, archbishop of Canterbury, declaring against the election, Hugo thought it necessary to go to Rome, where, after some opposition, he prevailed with the pope to confirm him: he was a great benefactor to the university of Cambridge, and was the founder of Peter House. This college was begun by him when he was subprior of Ely, and finished two years before his death.

*The death
and bene-
factions of
Hugo de
Balsham,
bishop of
Ely.*

Godwin in
Episc. Eli-
ens. Angl.
Sacr. para
1. p. 637.

About this time, the archbishop of Canterbury sent an order to all the parish priests in his diocese, or under the immediate jurisdiction of his see, to observe the articles following, by virtue of their oath of canonical obedience.

*The arch-
bishop's in-
junctions to
the clergy of
his diocese.*

PECHAM,
Abp. Cant.

489.

First, that they should take care for the performance of divine service, with due solemnity and reverence.

Secondly, to make a sufficient provision for the spiritual interest of their parishioners; that is, by preaching the word of God, administering the sacraments, and particularly by taking confessions: and when they found themselves disqualified, or disabled for the discharge of these duties, they should call in the assistance of learned and good men, commissioned for this purpose.

Thirdly, that they should relieve the poor of the parish, and keep up hospitality, as far as the profits of the living would reach, and their own necessary occasions would give them leave.

Fourthly, that they should avoid making any contracts or conveyances which might turn to the prejudice of their successors, and bar them from insisting upon the rights and jurisdictions of their church.

Fifthly, that they should keep the houses of their rectory or vicarage in convenient repair.

Sixthly, that they should endeavour to retrieve all profits and privileges alienated from their church against common right.

Seventhly, that they should endeavour to preserve the rights of their livings in the same good condition they found them.

Eighthly, they were not to sell all the profits of their livings at one bargain, without a special license from the archbishop: the reason is, because such a sale was tantamount to letting them out to farm; made the tithes look like merchandise sold in a fair; disappointed the designs for which they were given, and oftentimes disabled the priest from being charitable to the poor.

These articles were to be sent to every parish, and transcribed into the missal, or some other book of divine service, that so they might be always at hand for the clergy to peruse, and be shewn upon demand, at a visitation.

Spelman
Concil. vol.
2. p. 349.

A. D. 1287.
*A diocesan
synod at
Exeter.*

The next year, Peter Quivil, bishop of Exeter, held a diocesan synod at Exeter. The gross of the constitutions are much the same with those of Otho, Othobon, and of the late synod at Lambeth, and therefore I shall pass them

over. However, there are some few things not unworthy of remark.

The fourth article or canon, speaking of the adoration of the host, endeavours to satisfy the consciences of the laity, who sometimes were afraid they might go too far in their worship, as not being thoroughly satisfied in the doctrine of transubstantiation. To remove this objection, the priests are enjoined to instruct the people before they give them the eucharist, that they receive, under the species of bread, that which hung upon the cross for their salvation: and in the cup they received that which was shed from the body of our Saviour.

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WARD I.
K. of Eng.

*The laity
there receive
the commu-
nion in both
kinds.*

From hence it appears that the laity received the communion in both kinds in the diocese of Exeter, notwithstanding the late provincial constitutions of Lambeth to the contrary; and that the denying the cup to the people, was so great an innovation, that the bishop of Exeter did not think himself bound to be concluded in that point by the order of his metropolitan, or the Lambeth synod.

*Hoc susci-
piunt in
chalice.*

Id. p. 355.

By the fifth article, all priests that have cure of souls are commanded to admonish their parishioners to come to confession thrice a year, that is, at the approach of the three festivals of Christmas, Easter, and Whitsuntide; or, at least, in the beginning of Lent. And farther, that they are to make their confession to the priests they belong to, unless he gives them leave to confess to another: for, without such a permission, the absolution of a foreign confessor would signify nothing.

Ibid.

The tenth decrees, that the consecration of every parish church should be kept with no less solemnity than the festival of Christmas. And that the endowment settled upon the Church at the consecration, the day and year when the ceremony was performed, and the name of the prelate that consecrated it, should all be entered in the Church calendar.

*A Church
calendar.*

From hence we may observe, that before the settling our modern registers, the Church had a calendar, or book of records, for preserving the history of those things which were thought most memorable.

Id. p. 363.

The twenty-second canon or article, which is the last I shall mention, enjoins the parishioners to frequent the

PECHAM, Church on holy days, and especially not to omit coming thither on Sundays. The reason assigned by the canon is, that the people might hear divine service, and be instructed in their duty. From hence we may infer, that the people had the benefit of preaching, or something like it, by way of catechising, or homily, every Sunday.

Id. p. 372.

A. D. 1288.
A dispute between the bishop of Lincoln and the university of Oxford concerning the admitting their chancellor.

The latter end of the next year, there happened a dispute between the bishop of Lincoln and the university of Oxford, about the manner of presenting the chancellor of the university: the case was this, the masters of the university chose one William Kingstot for their chancellor; and after the election presented him to their diocesan, the bishop of Lincoln, not in his own person, but by proxy. The bishop refused to allow that method of presenting: he declared, he would not commit so much trust to a person absent and unknown; adding, withal, that the authority of that office extended not only to temporal, but also to matters purely spiritual. On the other hand, the masters of the university pleaded custom, and that they had, time out of mind, presented their chancellors to the bishop, not in their own persons, but by such delegates and representatives as they thought fit. The bishop not being satisfied with this allegation, the university resented the refusal so far as to discontinue their public lectures, which, in effect, was but a revenge upon themselves. About two years after, the debate was laid before the king and the great men at Westminster. And here, judgment was given for the bishop of Lincoln; and the university were obliged to present their chancellor for admission to their diocesan, though the bishop happened to reside at a remote distance from Oxford.

490.

Godwin in
Episc. Nor-
wicens.
Angl. Sacr.
pars 1. p.
401.

This year William Middleton, bishop of Norwich, departed this life. He was consecrated to this see in the year 1278. He rebuilt the cathedral which was burnt in the late reign, and consecrated it; the king, the queen, and a great many of the nobility being present at the solemnity. About eight years after, he consecrated the great church of St. Nicholas in Yarmouth. This prelate is said to have been a very eminent canonist and civilian.

The contest between Balliol and Bruce for the kingdom of Scotland.

To go backwards a little, and say something concerning the state. The throne had been some time vacant in Scot-

land, and the succession disputed among several noblemen. Now since the decision was referred to king Edward, and the bishops of both kingdoms made part of the court to examine the controversy, I shall give the reader a brief representation of the case, and mostly from the records of the Tower.

ED-
WARD I.
K. of Eng.

To begin; Alexander III., king of Scotland, died by a fall off his horse in March, 1285: this prince leaving no issue excepting Margaret, called the maid of Norway, because her mother Margaret was married to Eric, king of Norway, the case standing thus, I say, this granddaughter to king Alexander was heiress to the crown of Scotland.

Soon after, there was a match proposed by the king of England, between this princess and his son Edward of Caernarvon. The guardians of Scotland, and indeed the whole kingdom, agreed to this proposal; and the treaty was finished, and signed at Northampton. And because the young princes were within the prohibited degrees of relationship, pope Nicholas IV. granted his dispensation to remove that obstacle. But before the solemnity of the marriage, queen Margaret died in her voyage from Norway to England.

The cause referred to the king of England by the competitors, and his sovereignty over Scotland acknowledged.

Pat. Ed. I.
M. 8, 9.
A. D. 1290.

Conventions, Litteræ, &c.
tom. 2. p. 450.

Upon the death of this princess, the noblemen following, laid claim to the crown of Scotland. Florence, earl of Holland; Robert de Bruce, lord of Annandale; John de Balliol, lord of Galloway; John Hastings, lord of Bergeveny; John Cumyn, lord of Badenough; Patrick Dunbar, earl of March; John de Vescey, in behalf of his father, Nicholas Soules, and William Ross. All these competitors owned the king of England sovereign lord of Scotland, voluntarily referred their claim to his cognizance, and promised to stand by his award. And because the process could not be finished without giving judgment, and judgment would prove of no force without execution; and execution could not be duly performed without seizin and possession of the country and castles; for this reason, the competitors above mentioned put the king of England in possession of the forts and realm of Scotland; having first taken a security from that prince to return the kingdom in the same good condition he received it, to him to whom the crown shall be adjudged, within two months after the title was decided; and that, in the meantime, the issues and

Id. 529.
See Record 42.

Ibid.
Westmo-
nast. ad An.
1291.

PECHAM, revenues of the crown were to be lodged in the hands of the chamberlain of Scotland.

Abp. Cant.

Upon this, the king gave his consent that the cause should be tried in Scotland.

This great cause had several hearings in the field at Upsetlyntone, over against Norham Castle, on the Scotch side of the Tweed. Here all the claimants, and Bruce with the rest, repeated their acknowledgment of the king of England's being sovereign of Scotland. And here, the bishop of Durham set forth the king of England's title to the sovereignty of that realm, and proved it to have been acknowledged by the Scottish kings both before the Conquest, and since, upon the testimony of several historians, and other authentick records, both Scotch and English.

*Conven-
tions, Li-
teræ, &c.
tom. 2 p.
559. et
deinc.
Id. p. 588.*

The last hearing of the cause was at Berwick upon Tweed, where the king was present, and many of the bishops, and temporal nobility of both kingdoms. And here, all the competitors threw up their claim excepting Hastings, Bruce, and Balliol.

*The com-
missioners
assigned to
examine the
cause.*

Before we proceed farther, it must be observed, that the court for the deciding this controversy, consisted of a hundred and four persons; four-and-twenty of whom were English, and chosen by the king. Of this number there were four bishops, two deans, one archdeacon, besides others of the clergy. Bruce and Balliol chose each of them forty, eight of whom were bishops, besides several abbots. These hundred and four were assigned to hear the pleas, and examine the pretensions of the competitors, and make their report of the whole process to the king.

*Id. p. 556.
575.*

*The title of
Hastings,
Bruce, and
Balliol.*

Id. p. 580.

And to make the matter clear, in as few words as may be, we are to take notice, that David, earl of Huntingdon, brother to Alexander III., king of Scotland, died, leaving issue only three daughters, Margaret, Isabel, and Adama: Balliol claimed under Margaret, the eldest; Bruce under Isabel, the second; and Hastings in right of Adama, the third. To be more particular; Margaret, the eldest daughter of David, earl of Huntingdon, married Alan, lord of Galloway, by whom she had issue only one daughter, Dergovilla, married to John Balliol, by whom she had John Balliol, one of the three competitors.

David's second daughter was Isabel, married to Robert Bruce, by whom she had Robert, another of the competitors.

Adama, the third daughter, was married to Henry Hastings, by whom she had John Hastings, the third competitor.

ED-
WARD I.
K. of Eng.
491.

To draw towards the conclusion; Bruce's claim was rejected, partly because he had altered his plea, and contradicted the first ground of his title. For in his first claim he insisted upon the whole kingdom, and owned the crown of Scotland impartible, and that it could descend only to a single heir.

Hastings' and Bruce's title rejected, and why.

John Hastings likewise, insisting upon a third part of the kingdom, had his title set aside. The reason of these two competitors pleading the right of a third share was, because all the lands, tenements, fees, liberties, demesnes, and honours, that were holden of the crown of England in capite, were partible. From hence they inferred that the homage and service due from the king of Scotland to the crown of England, proved the crown of Scotland under the direction of the English common law, and, by consequence, partible.

This plea, after a thorough debate, was unanimously set aside by the prelates, barons, and great men of both kingdoms, who all agreed that the crown of Scotland was only descendable upon a single heir.

Farther; Bruce had another plea more plausible than the former; that is, being son to Isabel, the second sister, he was a degree nearer, though in a collateral line, than John Balliol, who was grandchild to Margaret the eldest daughter in the right line; so that, in short, the controversy turned upon this question; whether the next in blood, though in a collateral line, should not succeed before one more remote in the right line? Now upon a full evidence and examination of the case, it was found agreeable to the laws and customs of both kingdoms, that in an impartible inheritance, the more remote in the first or direct line, ought to be preferred to one nearer in the second, or collateral line. Upon this ground, the crown was adjudged to John Balliol, who, upon his being put into possession, by the king of England, took an oath of homage to that prince. But at the close of this argument, the reader may take notice, that the king of England carried his claim to the sovereignty of Scotland no farther than the demand of

Id. p. 588, 589, 590, 591, 592.

PECHAM, *Abp. Cant.* homage, and the consequent incidents: from whence it will follow, that provided these services were paid, the kingdom of Scotland was still independent, as to government and jurisdiction, though as to tenure, it must be reckoned a fief of the English crown.

Id. p. 601.

*A. D. 1290.
The Jews
banished
England.*

To return to England: about this time, the king set forth a proclamation for all the Jews to depart the kingdom. This proclamation was published at Midsummer, and the time fixed for their departure was All-Saints' day next ensuing. The reason of their banishment, was partly the heterodoxy of their religion, and partly their impoverishing the Christians by excessive usury.

It is the opinion of a learned lawyer, that the Jews were only prohibited the practice of usury: that this amounted to banishment by implication, because they could not live without this liberty of turning the penny.

*Coke Instit.
pars 2.
Statut. de
Judaismo.
fol. 506, 507.*

But historians who lived in this reign, inform us, that if any Jews were found in England after All-Saints' day, mentioned in the proclamation, they were to forfeit all their effects; and, as Wikes relates it, their lives too. This banishment was perpetual; for, under the penalties above mentioned, they were never to return.

*Wikes
Chronic. p.
122. An-
nal. Waver-
ley, p. 242.*

To say something farther of this people: the Jews, as has been observed, being encouraged by the Conqueror and William Rufus, transported themselves in great numbers out of Normandy, and settled in Cambridge, Bury, Norwich, Lynn, Stamford, Northampton, Lincoln, York, and elsewhere. But their principal settlement was in London, where they had their grand synagogue at the north corner of the Old Jewry, opening into Lothbury. After their expulsion, their synagogue was granted to the friars De Pœnitentia Jesu, and, in Stow's time, it was turned into the Windmill tavern.

*Stow's Sur-
vey of Lon-
don, p. 288.*

*The state of
their civil
and spiri-
tual govern-
ment.*

To secure the Jews in their interest and property, the king gave them a civil superintendent, called the Justicer of the Jews. His business was to protect them from oppression; to decide all controversies between them and the Christians; to keep the seal of their corporation, and the keys of their publick treasury. These justicers, though always Christians, are sometimes complained of, as has been already observed, for their partiality to the Jews, and for

*See above,
the Consti-
tut. of Mer-
ton. ad An.
1258.*

screening them by prohibitions from the process of ecclesiastical courts.

ED-
WARD I.
K. of Eng.

As for their spiritual government; they were all under one high priest, who had his patent from the crown, but this has been already related. It has been the opinion of some, that the Jews were not permitted to purchase lands in England; but this is a mistake: for Benomy Mittan, a Jew, was seized of a considerable estate in land and houses in Bassishaw, and several other parishes in London: however, being generally hated, and not upon an equal footing of privilege with the English, they commonly put out their money to interest: this way of management turning to the best account; making their estates less subject to discovery, and more at command in case they should be obliged to quit the country.

Stow's Sur-
vey of Lon-
don, p. 288,
289.

During their stay in England, they frequently met with a great deal of severity and rough usage: sometimes they were miserably squeezed by the government; and sometimes the people took their revenge upon them at discretion. It must be said, the rigours with which they were treated, were often pushed too far, which, without doubt, was not the way to bring them over to the Christian religion. It is true, king Henry III. built a house in Chancery Lane, for converted Jews, and allowed them a pension for their maintenance. This house is now the office of the rolls. Farther, they had other great encouragements to turn Christians: for baptism, was, as it were, a pardon for all former crimes; thus, one Elias Bishop, a Jew of London, who was charged with poisoning several gentlemen, brought evidence of his being baptized, upon which, the prosecution was waived, and he escaped the justice of the law.

*The rigours
with which
they were
treated.*

Ibid.

492.

Domus
Converso-
rum.

*And the en-
courage-
ments they
had to turn
Christians.*

Matth.
Paris, Hist.
Angl. p. 982.

To return to the proclamation of Edward I. This order was so strict in the penalty, that the Jews drew all their effects together, and prepared themselves to embark at the day appointed; their number was upwards of fifteen thousand; they went on board at the Cinque Ports. And here, Wikes tells us, it was commonly reported that when they were on their voyage, the seamen plundered them, cut the throats of a great many, and threw them into the sea; for which several of the crew were executed for murder and piracy at their return. To conclude, the parliament gave

Wikes
Chronic.
p. 122.

PECHAM, the king a fifteenth for his banishing the Jews, which is a sign they were very willing to be rid of them.

A. D. 1292.

Decemb.

The death of Pecham, archbishop of Canterbury.

Two years forward, John Pecham, archbishop of Canterbury, departed this life. To what has been said of him already we may add something with reference to his birth and education. He was extracted from a very private family in Sussex. He studied at Oxford where he turned Franciscan, and afterwards succeeded Kilwarby, in the provincialship of that order. From Oxford he travelled to Paris, where he studied divinity: and from thence removed to Lyons for farther improvement in the civil and canon law. At last, he settled at Rome, and was made auditor of the chamber by pope Nicholas, in which post he continued till his promotion to the archbishoprick of Canterbury. He had several disputes with the king about the rights and privileges of his see. The freedom and resolution of his defence disoblged the court to that degree, that he was sometimes upon the verge of being banished; however, he held out his time, and died at Mortlake. He raised his family to the degree of gentlemen, and built a college at Wingham, which, at the dissolution of the abbey, was seized of an endowment to the value of eighty-four pounds per annum. He was a prelate of considerable learning, particularly in the civil and canon law. He wrote comments upon several books of the Scripture, and many other tracts too long to mention.

Antiquit. Britan. et Godwin. in Pecham. Pits de Illustr. Angl. Script. p. 380.

To proceed: It appears by a record, that the judges did not use to go the circuit from Septuagesima till after Easter, without a license, or dispensation from the archbishop of the province: for, by the canons of the Church, the secular magistrate could not compel any person to make oath for the trying of any cause within that time; it being the design of the Church that all suits and contests should sleep, that people might be the better prepared to perform the devotions of the holy season. However, in some cases, it was thought fit to relax the canon, and give justice a free course. Thus John, archbishop of York, gave sir Hugh Cressingham, and the rest of the king's judges for the northern circuit, a license to hold the assizes at York, between Septuagesima and the beginning of Lent.

21 Ed. I. Rot. 53. Spelman. vol. 2. p.

413.

After the see of Canterbury had been vacant almost two

years, Robert Winchelsey was elected by the monks of Christ's Church, the king approving the election. To say something of him before his entrance upon this office. As for his family, historians have left us nothing. His first education was at Canterbury, where the advantages of his person, parts, and behaviour, gave great expectations of his making a figure. In his youth, he travelled to Paris, where he improved himself in humanity, logick, &c.; and afterwards made a great progress in divinity. In short, he was no less commended for his improvement in letters, than for the regularity of his life, and the obligingness of his temper; insomuch, that at last he was unanimously chosen rector of that university. This office he discharged to great satisfaction, afterwards he returned to Oxford, where his preaching and publick disputations gained him a great reputation. And here it was he commenced doctor in divinity; and having the character of a man of conduct and experience, and one that understood business as well as books, he was chosen chancellor of the university. In this post he was very serviceable to the interest and credit of the university, made several useful provisions, and suppressed several ill customs. He was afterwards made archdeacon of Essex and prebendary of St. Paul's. He resided constantly upon his prebend, expounded the Holy Scriptures every day in the church, and was very frequent in his performances in the pulpit: and as for his archdeaconry, he managed his jurisdiction with that prudence, temper, and justice, that everybody was pleased with him. Being thus remarkable for capacity, learning, and morals, his character reached the court, and gained him the esteem of the king and the nobility; and thus his election passed with general approbation: neither was he less admired in Italy than at home, for when he went to Rome to be confirmed, pope Celestine and his court were so much taken with his learning and good qualities, that they designed to make him a cardinal and keep him at Rome. But Winchelsey pressing his return to the see of Canterbury, the pope was satisfied with his reasons, consecrated him, and gave him the pall.

ED-
WARD I.
K. of Eng.
Winchelsey
elected
archbishop
of Canter-
bury.

While the archbishop was absent, a parliament met at Westminster. And here the king demanded of the clergy, half the profits of their revenues for one year. This was

493.
Angl. Sacr.
pars 1. p. 11.
et de inc.
Antiquit.
Britan. in
Winchel-
sey.

WIN-
CHEL-
SEY,
Abp. Cant.

Westmin-
ster ad An.
1294.

A. D. 1294.
*The king
forces the
clergy to
consent to
his demands
in a tax.*

Ibid. Anti-
quit. Britan.
in Winchel-
sey.

*The arch-
bishop ex-
communi-
cates Ma-
dock Llew-
ellyn for re-
bellion.*

A. D. 1295.

Birkington
in Angl.
Sac. pars 1.
A. D. 1296.

looked on as a very rigorous and unprecedented demand, and the clergy were wonderfully surprised at it: however, the king insisted upon the proportion, and allowed them but a short time to give in their answer. In the meanwhile, William Montford, dean of St. Paul's, had prepared a speech to work the king to a milder resolution. He seemed to be very well when he came to court; but after he was brought into the presence and had begun his harangue, he sunk down, and expired. This accident did not discourage the king from sending sir John Havering to the prelates at Westminster, to press the subsidy. This knight, pursuant to his instructions, made a sort of proclamation among the prelates, that if any of them was inclined to oppose the king's motion, that he should come forth, and discover his person, and take his trial as a disturber of the publick peace. This declaration gave the clergy to understand, it was to no purpose for them to hold out any longer; and thus they were frightened into a compliance with the court. This severity to the Church, gave occasion to a misunderstanding between the king and the archbishop.

This year, pope Celestine, either out of a conscientious scruple of his own insufficiency, or being overreached by the artifices of Benedict, resigned the papacy, he was succeeded by this Benedict, called Boniface VIII. This pope Boniface published the sixth book of the decretals, and kept a very pompous jubilee.

Archbishop Winchelsey, upon his return into England, waited on the king in Wales, and did his homage according to custom. And here, he excommunicated Madock Llewellyn, for raising a rebellion, and ordered the excommunication to be published through England and Wales. This discipline, which probably was not without its effect, gave the king a good opinion of the archbishop: who, when the Welsh insurrection was suppressed, took leave of the court, and came to London; where about this time he made several orders for the regulating the court of Arches. In November, the same year, he went down to Canterbury, and was solemnly installed.

The next year, a parliament was convened in November, at St. Edmundsbury. And here the laity granted the king a large supply: but the clergy refused to contribute any-

thing. It is probable, they thought their late payment of half a year's profits might excuse them. However, the king would not allow this reason, but giving them some time for consultation, let them know he expected a more satisfactory answer. In the meantime, he ordered all the barns of the clergy to be locked up. Upon this, the archbishop of Canterbury ordered pope Boniface's bull to be read in all cathedral churches: by virtue of which, the clergy were forbidden, under pain of excommunication, to pay any taxes to the publick, without the pope's consent: and all those princes, or ministers, who imposed or collected any such tax, were put under the same censure. There was likewise a canon in the late council of Lyons to this purpose.

ED-
WARD I.
K. of Eng.

*The king's
rigour
against the
clergy.*

*An en-
croaching
bull from
Rome.*

Conven-
tiones, Li-
teræ, &c.
tom. 2. p.
706.
Westmo-
nast. ad An.
1296.

This year, the archbishop held a provincial synod at St. Paul's, London. And here, to prevent the passing anything unserviceable to the crown, the king sent the prelates an order not to make any constitutions prejudicial to his prerogative or the publick repose, or to give any disturbance to any person under his government and protection. The precept, penned in French, runs thus in English:—

“Edward, by the grace of God, king of England, to the honourable fathers in God, the archbishops, bishops, &c. We forbid you, and every of you, under the penalties of whatever you are capable of forfeiting, that none of you make any constitution or canon, or assent to any such in your synod, which may turn to the disadvantage or damage of us, our ministers, or any other of our loyal subjects or adherents whatsoever. Given at Sturminster, the 21st of March, in the twenty-fifth year of our reign.”

Spel. Con-
cil. vol. 2.
p. 427.

When the synod met, they entered upon the debate of the subsidy; and here the majority refused to comply with the king's expectation. This disinclination of the prelates being reported to the king by the court clergy, made his highness resolve upon a more rugged expedient; for the purpose, he ordered his officers to seize the best horses of the clergy and religious. He likewise forbade the lawyers to plead for them, and denied them the assistance of the bar and bench. In short, he commanded they should be outlawed, and thrown out of the protection of the government.

*The clergy
thrown out
of the king's
protection.*

Thus the clergy, by refusing to contribute to the occasions of the state, and putting their property under the pope's

Westmo-
nast. ad An.
1296.

WIN-
CHEL-
SEY,
Abp. Cant.

494.

*They come
towards a
compliance.*

*Antiquit.
Brit. in
Winchel-
sey, p. 203.
The arch-
bishop
stands out
and his es-
tate is seiz-
ed.*

*The Domi-
nicans de-
termine for
the king.*

*Westmo-
nast. ad An.
1297.
A. D. 1297.*

disposal, were thought unworthy the protection of the laws. However, it must be said they were willing to comply at last; but here they found themselves under a great difficulty. For if they gave the king a subsidy without leave from the court of Rome, they fell under the pope's excommunication. On the other side, if they refused the granting a tax, the outlawry would crush them, and they must certainly sink under the king's displeasure. To avoid the storm from either of these quarters, they referred the finding out a compromise to the archbishop of York, the bishops of Durham, Ely, and Salisbury. These prelates having an authority to transact for the whole body of the clergy, pitched upon this expedient. They ordered that a fifth part of their revenues and stock should be deposited in some sanctuary or place of privilege; which sum was to be made use of, for the defence of the Church and kingdom in case of necessity. By this provision they recovered themselves, lay under shelter against the pope, and were received into the king's favour.

But the archbishop of Canterbury would not be satisfied by this method of accommodation; for which singularity his estate was all seized to the king's use, and himself reduced to such straits, that scarcely any person would entertain him. Notwithstanding this hardship, he had boldness enough to protest openly against what was done; and that all those who had assisted the king with money, without the pope's permission, must inevitably fall under the excommunication denounced in the late bull.

While the prelates were debating upon the point, and consulting how they might disentangle themselves from this dilemma, two preaching friars came to them to St. Paul's, and undertook to maintain, that in time of war it was lawful for the clergy to assist the crown with their purse, notwithstanding the pope's prohibition. If these Dominicans had carried the question farther, and pronounced the clergy bound to contribute towards the necessities of the government, they had made a more reasonable determination. In the meantime the king, to prevent the clergy from making any disturbance, forbade the publishing the pope's excommunication, either against himself, or those under his protection, under the penalty of imprisonment.

Upon this, the bishops broke up their synod, and were

much at a loss how to manage, especially since the archbishop, at taking his leave, gave them a hint not to comply, by bidding every one of them take care of his own soul; but, at last, the hardships they suffered brought them to a farther resolution; insomuch that they offered the king the fourth part of their goods to restore their effects, and afford them the common benefit of the government.

ED-
WARD I.
K. of Eng.

Antiquit.
Britan. in
Winchel-
sey.

The king, being now engaged in a war with France, thought it proper to dissemble his dislike of the archbishop's obstinacy, and wait for a better opportunity to call him to an account. And, therefore, when the parliament met at London, he pretended himself friendly with the archbishop, and restored him his barony; and being ready to embark for Flanders, and willing to leave the people in good humour, he made a speech to the Londoners in Westminster Hall; his son, prince Edward, and the archbishop of Canterbury, being ordered to attend him. In this speech he excused himself for levying so much money from the subjects, stating that his enemies of France and Scotland had forced him upon these unacceptable measures; that now he was sailing into France to expose his person for the publick safety; that if it pleased God to prosper his arms and preserve his life, he designed to return his people the money he had raised by the tax; but in case he should happen to miscarry, and fall in the enterprise, he put them in mind that his son Edward, the prince of Wales, was to succeed him. This speech drew tears from the archbishop, who promised to be faithful to the crown, in which engagement he was seconded by the rest of the audience.

*The king
seemingly
reconciled
to the arch-
bishop.*

Westmo-
nast. ad An.
1297.

This year, at the parliament last mentioned, Magna Charta and the forest charter were confirmed. The words are:—

“If any judgment be given from henceforth contrary to the points of the charters aforesaid, by the justices or any other ministers of the crown that hold plea before them, against the points of the charters, it shall be undone and holden for nought.

“And we will, that the same charters shall be sent under our seal to cathedral churches throughout our realm, there to remain, and shall be read before the people twice in the year.

“And that all archbishops and bishops shall pronounce the

WIN-
CHEL-
SEY,
Abp. Cant.
*Those who
break Mag.
Charta, &c.
to be excom-
municated.
25 Edw. I.*

sentence of excommunication against all those that by word, deed, or counsel, do contrary to the aforesaid charters, or that in any point break or undo them. And that the said curses be twice a year denounced and published by the prelates aforesaid. And if the same prelates, or any of them, be remiss in the denunciation of the said sentences, the archbishops of Canterbury and York, for the time being, shall compel and distrain them to the execution of their duties in form aforesaid."

Thus the civil liberties were guarded by the ecclesiastical authority. If it is said, the exercise of the power of the keys is directed by the state, and the bishops are commanded to exert their censures by an authority foreign to their own order; to this it may be answered, that the bishops were willing to consent to the appointment, and employed their jurisdiction to this purpose. Indeed, this act put them upon nothing more than what they were obliged to by several provincial councils of their own nation. Besides, in case of failure, they are only left to the correction of their metropolitans, as appears by the words of the statute. To this I shall only add sir Edward Coke's remark, that this excommunication the prelates could not pronounce without warrant by authority of parliament, because it concerned temporal causes: thus he. But by several precedents and constitutions, some of which have been already mentioned, it looks as if the Church was then of another opinion.

Coke In-
stit. pars 2.
fol. 527.

A. D. 1298.
495.

The next year, archbishop Winchelsey published an excommunication against those that seized the effects of the clergy, put them in prison, or violated any branch of the great or forest charters. In this excommunication, the archbishop takes notice, the king had promised not to levy any tax without consent of parliament, which he seems to mention to warrant his censure against the king's officers who should arbitrarily make seizure of the property of the ecclesiasticks.

Spelman,
Concil. vol.
2. p. 428.
*The Mino-
rites cir-
cumvented
by the pope.*

The Minorites, or Franciscans, notwithstanding their renunciation of property, were grown very wealthy: and, being willing to secure their good fortune, and convert it into an estate of land, they applied to pope Boniface to this purpose: they offered his holiness forty thousand ducats in gold, besides a vast sum in silver, to empower them by his

bull to purchase estates, and live upon their revenues like other orders. When the pope asked them whether their money was ready, they told him it was, and that they had lodged it in the bankers' hands. Upon this, he ordered them to retire, and come again for his answer within three days. In the meantime he sends for the bankers, absolves them from their obligation to restore the monks their money, and charges them, under pain of excommunication, to keep it for the use of the Roman see. When the Minorites came, at the day appointed, in expectation of their diploma, the pope told them, that, upon consideration, he found it no ways advisable to dispense with St. Francis's rule; and therefore they must of necessity continue under their first engagements, to live without property: and thus, as Westminster concludes, they were handsomely robbed of what they had unfairly raked together. It was thought, the avarice of these Minorites, and the ascendant they had over the pockets of the people, occasioned the passing the late act of mortmain.

ED-
WARD I.
K. of Eng.

A. D. 1299.

West. ad
An. 1299.
Antiq.
Britan.
in Win-
chelsey.

The next year, or thereabouts, the archbishop of Canterbury held a provincial synod at Merton. The constitutions regulate the payment of tithes, and recite the cases in which they are payable. There is likewise a list of the books and ornaments to be provided in parish churches. But these being much the same as with have been mentioned already, I shall pass them over.

CENT. XIV.

I have already given a brief account of the sovereignty of the English crown over the kingdom of Scotland, and of the homage performed by Balliol, pursuant to former precedents. But such service having been discontinued for several reigns, this prince grew uneasy at the revival; which disgust was farther increased by his being cited to king Edward's parliament, at the appeal of the earl of Fife: and here, king Edward not allowing a defence by proxy, but obliging him to stand at the bar, and submit to the forms of a common subject; this treatment, I say, enraged him to that degree, that he immediately took leave of the English court, and upon his return into Scotland, he entered into an alliance with the king of France, defied king Edward, and renounced his homage.

Spelm.
Concil. vol.
2. p. 431.

King Balliol
renounces
his homage.

Conventio-
nes, Literæ,
Hist. p. 162.

&c. tom. 2. p. 606. 695. 707. Daniel.

WIN-
CHEL-
SEY,
Abp. Cant.
*But after-
wards sur-
renders him-
self.*

Scots invaded England, and committed depredations as far as Hexham. But not long after, the English made reprisals upon them, beat them in a set battle at Dunbar, made themselves masters of the castles of Roxburgh, Edinburgh, and Stirling; and, in short, overran the country to such a degree, that king John Balliol, being unprovided with an army, and without any prospect of recovering, surrendered himself to the king of England; upon which, he was brought to London, and imprisoned in the Tower.

After king Edward had marched his army through Scotland, possessed himself of the places of strength, and met no enemy to oppose him, he returned into England, and held a parliament at St. Edmundsbury, where the clergy refused to assist him with a subsidy; for which non-compliance, he ordered their barn doors to be locked, as has been already observed.

Westmo-
nast. ad An.
1296.
Walsing-
ham, Hist.
Angl. p. 66,
67.

King Edward was absent in Flanders, in order to assist Guy, earl of that country, and conclude a treaty with the king of France. While the king was absent upon these affairs, the Scotch seized the opportunity, and made an effort to retrieve their liberty under the conduct of William Wallace, who, by his resolution and bravery, rose from the rank of a private gentleman, to the command of the army. Under this general, the Scots defeated the English headed by sir Hugh Cressingham, recovered a great many castles, and regained the town of Berwick. But this success was terribly checked at the battle of Falkirk, where king Edward commanded in person: here the Scots were entirely routed, and forty thousand of their foot cut in pieces.

Walsing-
ham, Hist.
Ang. p. 76.

After this victory, the Scots seemed to despair of being able to maintain the contest any longer: insomuch that, when a parliament was called at St. Andrew's, all the great men of that kingdom (excepting Wallace) repeated their oaths of homage to the king of England.

Daniel.
Hist. p. 167.
*King Ed-
ward's ri-
gorous use
of his vic-
tory against
the Scots.*

And here king Edward is blamed by the Scotch historians, for making a tyrannical use of his success: the transplanting the nobility, and disabling all those who seemed capable of making resistance, did not content him: he was not satisfied with conquering the men, and possessing the country, without altering the face of the constitution, and extinguishing the memory of what was honourable to the

nation. He set aside their ancient laws, and brought their Church to the model of the English: and, in short, endeavoured to give everything a new form, and re-coin the government, both in Church and state: and, which was still more singularly rigorous, they complain, that he deprived them of their histories and papers of state, and carried their records into England, together with the famous marble chair, which he brought to Westminster: so that, in a word, he made it his business to keep them low in their understandings, as well as in their fortunes; that by this means, their posterity having no idea of the figure and importance of their nation, might submit to servitude with less reluctance.

ED-
WARD I.
K. of Eng.
496.

Spotswood,
Ch. Hist. l.
2. p. 50.

To proceed; the Scots had still some hope of shaking off their chains, and rallying their fortune: to enable them to fulfil this purpose, they applied to the protection of pope Boniface VIII., who, espousing their interest, sent a monitory bull to king Edward, to desist from any farther attempt against the Scots. And here, the pope pretended a title to reinforce his injunctions, alleging, that the sovereignty of Scotland belonged to the Roman see. He likewise wrote to the archbishop of Canterbury, to use his interest with the king for the enlarging the bishops of Glasgow, and the Isles, and submitting the controversy between him, and the Scots, to the decision of the court of Rome.

*The pope
claims a ju-
risdiction
over the
realm of
Scotland.*

Conventio-
nes, Literæ,
&c. tom. 2.
p. 844.

The king and the English nobility were much surprised at the pope's claim, and resolved not to be overruled by him: however, to justify the king's proceedings, and prevent any such encroachments for the future, the barons, then assembled in parliament at Lincoln, wrote a letter to the pope upon this subject, which being a remarkable record, I shall translate it for the reader.

Spotswood,
ibid.

“To our most holy Father in Christ, lord Boniface, by divine Providence, chief bishop of the Roman Church, his obedient sons send greeting.

*The barons
address the
pope, and
disclaim his
jurisdiction
in tempo-
rals.*

“We firmly believe, that our holy mother the Church of Rome, by whose administration the catholick faith is guarded and maintained, proceeds upon mature deliberation in her resolutions; takes care not to prejudice any person, and is no less solicitous for the preserving the rights of other people, than her own.

“Being assembled in parliament at Lincoln, our sovereign

WIN-
CHEL-
SEY,
Abp. Cant.

lord the king ordered your holiness's letter relating to the kingdom of Scotland to be read to us: which, when we had thoroughly weighed and examined, we were extremely shocked at the contents, being altogether new and unprecedented.

“It is well known, holy Father, both in England and elsewhere, that, from the Britons and Saxons down to the present times, the kings of England have had direct dominion over the kingdom of Scotland, and been possessed of that sovereignty through all the successive periods above mentioned. Neither has that kingdom of Scotland, as to temporals, ever belonged to the Church of Rome; but has all along been reckoned a fee of the English crown. Neither have the kings and realm of Scotland been subject to any other persons or state, excepting the kings of England. And, farther, the pre-eminence, independency, and dignity of the English crown is such, that it has never been customary for the kings of England to appear before any foreign court, or defend their claim, either with reference to the kingdom of Scotland, or any other territories or temporal jurisdictions belonging to them, before any ecclesiastical or secular judge; neither were they, in justice, ever bound to submit to any such decision.

“Having, therefore, thoroughly weighed the purport and contents of your holiness's letter, we came to this unanimous resolution, which, by God's assistance, we intend never to depart from.

A. D. 1301,

“That our sovereign lord the king is by no means obliged to own the jurisdiction of your court, or submit to your holiness's sentence with respect to his sovereignty over the kingdom of Scotland, or indeed in any other temporal matter whatsoever. Neither is he to suffer his rights, above mentioned, to be called in question.

“Neither is your holiness to expect any embassy from the king upon this subject, because any of these applications would tend to the manifest disherison of the royal dignity and crown of England, be plainly subversive of the government, of the liberties, customs, and ancient laws of the country; for the maintenance of which we are all bound by oath, and, by the grace of God, are resolved to defend them, to the utmost of our power.

“And as what is contrary to our duty, is out of our liberty to grant, we neither do, nor will allow any such undue, unc customary usage: neither shall we concur with the king, in case his highness should comply with it.

ED-
WARD I.
K. of Eng.

“Therefore we humbly entreat your holiness not to give our sovereign lord the king any disturbance in his rights, liberties, and customs; but to leave him in the possession of his royalty and jurisdiction, without any diminution or molestation whatsoever.”

This remonstrance is subscribed and sealed by almost a hundred earls and barons: and, which is more, they had an authority, as the instrument declares, to represent the whole community of the kingdom.

Conven-
tiones, Li-
teræ, &c.
tom. 2. p.
873. See
Records,
num. 44.

About three months after, the king wrote to the pope upon the same subject. In this letter, he sets forth his claim to the sovereignty of Scotland; and proves his title from many precedents and records, both before and after the Norman Conquest; most of which have been already mentioned in the course of this history. At last, the king complains that after these customary and solemn submissions, the Scots were so hardy as to renounce their homage, and to invade his counties of Cumberland, Northumberland, and Westmorland; where, besides the injustice of attacking their sovereign, they managed the war with all the barbarity imaginable: wasting the country with fire and sword, burning churches and monasteries, stabbing children in the cradle, cutting off women's breasts, and murdering them in childbirth, and setting fire to about two hundred young clerks in a house of education. Upon these provocations, the king justifies his expeditions against the Scots, his seizing that kingdom, and disposing of the government as he thought fit: and, in the conclusion, desires the pope to have a good opinion of the justice of his proceedings, and not give credit to any misinformations against him.

*The king
maintains
his sove-
reignty over
Scotland in
a letter to
the pope.*

497.

About this time, the see of St Andrew's being void by the death of Fraser, William Lamberton, chancellor of the church of Glasgow, was promoted to that bishoprick. This Lamberton, after the bishop of Glasgow was sent prisoner to London, made his submission to king Edward, and swore allegiance to him. By this compliance, he made his way to the episcopal chair: however, the Culdees, who pretended

Conventio-
nes, Literæ,
&c. tom. 2.
p. 863. et
deinc.

Id. p. 918.
*The Culdees
overborne by
the pope.*

WIN-
CHEL-
SEY,
Abp. Cant.

to a principal interest in the election, opposed him vigorously at the first. Before the abbey was founded, the Culdees were the only electors of the bishop. But being barred their customary privilege, by a bull of pope Innocent II., the election was conveyed to the prior and canons. But the Culdees being by no means willing to have their privilege wrested from them, held up their claim, and kept the controversy on foot. At last, king David brought them to an accommodation. And here, by the articles of agreement, those Culdees that would turn canons, and enter into the monastery, were to vote with the rest of the convent. To baffle this settlement, an order was procured from the pope, to admit none into the convent without the consent of the prior, and the majority of the canons: by this expedient, the Culdees were excluded the monastery, and thrown out of all share in the election. The times being now unsettled, they resolved to sieze the opportunity, and make an effort to recover the old ground. To this purpose, William Comyn, their provost, appeared strongly against Lamberton's election. And neither party being willing to drop the contest, the cause was carried by appeal to Rome, where Lamberton prevailed, and was consecrated by pope Boniface VIII. The Culdees being thus disappointed, lost their reputation with their cause, and dwindled in their importance to that degree, that, after this check, we hear no more of them; their name and order being, by little and little, quite extinguished⁹.

*Their order
sinks and is
extinguish-
ed.*

Spotswood,
Hist. book
2. p. 51.

⁹ The history of the Culdees has ever been a mystery, and ever will be so. It is by no means easy to determine how far they were a theological sect, connected with the Church, or a theosophic sect, connected with lodges of initiation. A prodigious amount of learning has been expended on them by the antiquarians, but without leading to any very satisfactory result. The following account of the Culdees is furnished by Mr. Chalmers:—"The secular clergy seldom or never appear in the Scottish history; during the Scottish period, the bishops, indeed, and the abbots, appeared very conspicuous, and the Culdees we shall discover in their cells, though their origin be extremely obscure: they were neither mentioned by Bede, nor known to Nennius, nor acknowledged by Adamnan; yet were not the Culdees peculiar to North Britain; they were equally recognised by the same name in the ecclesiastical systems of Ireland, of Wales, and of England. The Culdees were undoubtedly monks in all those countries, as the name implies, though they acquired their distinguished appellation at different epochs in those several nations. In the united kingdom of the Picts and Scots, the name seems to have been unknown, if we may determine from the silence of Bede, of Nennius, and Adamnan, till the establishment of a monastery at St. Andrew's; and here they were first distinguished by the significant name of Culdees. They were obviously an order of

About this time, there was a remarkable check given to pope Boniface's encroachments upon the rights of the crown. This pope, in a bull to William de Gainsborough, lately promoted by his holiness to the see of Worcester,—in this bull, I say, the pope pretends to put him in possession of the temporalities of the see, as well as the spiritual jurisdic-

ED-
WARD I.
K. of Eng.
A. D. 1302.
*The pope's
bull checked
by the king.*

Celtic monks, who performed the functions of secular priests among the Celtic people under a Celtic government, as the faith and discipline of the Church had come down to them from Constantine and Kellach. Of Culdees, there existed in North Britain during the Scottish period, religious houses at Abernethy, Dunkeld, St. Andrew's, Dunblane, Brechin, Mortlach, Aberdon, Monymusk, Loch Leven, Portmoak, Dumfermline, Scone, and Kirkaldie. This form of a religious establishment seems to have existed among the Picts and Scots, even from the age and example of Columba. During the Pictish period, there was endowed at Abernethy a religious house, which was dedicated to Brigid. Here it long flourished in usefulness, under the patronage of the Scottish kings. And here the Culdees continued, till they were suppressed in the thirteenth century, after religious novelty had removed many ancient foundations. 2. Dunkeld owed the erection of a religious house to the pious gratitude of Kenneth, the son of Alpin. It immediately assumed the form which was known and practised within the united kingdom during that age. The house was filled with Culdees, who were governed by an abbot; and with them resided a bishop, who performed independently the functions of his office. The abbots of Dunkeld for many ages acted a conspicuous part in the bloody scenes of the Scottish government. And the monastery, with the Culdees and their abbot, continued, amidst many reforms, till the reign of Malcolm IV. 3. At St. Andrew's, a religious house, with its usual concomitants, existed, when the union of the Scots and Picts took place. The abbots here were also distinct; and they had the honour to enumerate several kings in their list. Here the Culdees maintained their purity and usefulness for many an age. A priory was founded at this ancient seat by Alexander I. And canons regular were introduced here in 1140, by Robert, the bishop of St. Andrew's. 4. At Brechin, a religious house was settled as early as 994. The Culdees of the monastery of Brechin continued for many ages to act as the dean and chapter of this episcopate, and they seem not to have been reformed by the introduction of the canons regular, till the accession of Robert Bruce. 5. The religious house at Dunblane is of very ancient foundation. The Culdees and their prior retained possession, and here performed their functions, during several ages of reform. They were superseded, however, by canons regular, some time before the middle of the thirteenth century. 6. A religious house, which was dedicated to St. Servan, was erected in the earliest times on an islet in Loch Leven. Successive kings, Macbeth, Malcolm III., and Edgar, and his brother Ethelred, with the bishops Maldevin and Modoch, were all studious to endow the Culdees of Loch Leven. Here they performed their usual functions, till the reforming hand of David I. fell upon them. To the priory of St. Andrew's, this pious prince gave the monastery of St. Servan, with the island of Loch Leven; and with an intimation, that if the Culdees would live peaceably, they should be protected, but if they should resist the royal grant, they would be expelled the holy isle of Servan. The Culdees were expelled; though it is not easy to ascertain the time and circumstances of that event, which arose from the violence of the canons, and the connivance of the bishop, who usually supported the canons against the Culdees. 7. Portmoak, on the eastern margin of Loch Leven, and the northern efflux of the Leven river, was founded during the ninth century, by Ungus, the Pictish king, as a religious house. Here the Culdees, under the usual rule

WIN-
CHEL-
SEY,
Abp. Cant.

Spelman,
Concil. vol.
2 p. 435.
See Re-
cords, 45.

tion: but the bishop, at his doing homage to the king, was obliged to renounce that clause in the bull, which made mention of the temporalities, and to make an acknowledgment before the king and council, that he held his temporalities of the king. And, which is more, the bishop was fined a thousand marks for receiving a bull so prejudicial to the regale.

of their abbot, performed their accustomed functions for many a savage reign. They were reformed during the general reformation of the worthy David. They, too, became the prey of the prior and canons of St. Andrew's, though the time and circumstances of the depredation cannot now be ascertained. 8. The splendid abbey of Dumfermline owed its inconsiderable foundation to Malcolm Ceanmore; its completion to Alexander I.; and its reform to David I. The monastery of Dumfermlin was dedicated, like the other Culdean establishments, to the Holy Trinity. Here the Culdees, with their abbot, discharged their usual duties during several reigns; and David I., who lived much with Henry I. of England, upon his accession introduced among the Celtic Culdees thirteen English monks from Canterbury. 9. We may easily suppose, that when the *fatal stone* was transferred by Kenneth, the son of Alpin, from Argyle to Scone, a religious house would be established at this ancient metropolis. A Culdean church was here dedicated in the earliest times, to the Holy Trinity, like other Culdean monasteries. The Culdees were at length reformed in 1115, by Alexander I., who dismissed the Culdean churchmen, and committed the custody of the church of Scone to canons regular of St. Augustine, with a prior at their head. 10. At Monymusk, in Aberdeenshire, was also, in ancient times, an establishment of Culdees. Here, with their prior, they performed their usual functions for many ages without complaint. The superintendence of this house was transferred by David I., while he panted for reform, to the bishops of St. Andrew's. The several pretensions of the dependents and superior soon produced controversies. These disputes were settled by a reference from Innocent III., in 1212, which gave them a new constitution; yet did the bishop of St. Andrew's, in opposition to a solemn promise, suppress those Culdees, and place canons regular in their room at Monymusk, which became thenceforth a cell of the priory of St. Andrew's. 11. In addition to all those Culdean houses, there appears to have been an establishment of the Culdees at Kirkaldie, in Fife; whence the place was named Kil-eledei, which was changed during the Scoto-Saxon period, to Kirkcaldie.

"Such, then, were the originals, the nature, and the end of the Culdees in North Britain. Yet system has concurred with ignorance in supposing that the Culdees were peculiar to the united kingdom of the Picts and Scots, and actually possessed rights and exercised powers which were inconsistent with the established laws of the universal Church in that age. A retrospective view of ecclesiastical history, from the epoch of the introduction of Christianity into North Britain, would show to a discerning eye, that the doctrines, liturgical forms, and monkish discipline of the Britons, the Irish, the Scots, and the Picts, were extremely similar, as all those people were indeed congenerous⁹."

⁹ Their name was probably derived from the notion of their retreat and seclusion. In the Welsh, *cel*, which means shelter, a *hiding*, would form the name, in the plural, thus: *celydi*, *celydiaud*, *celydion*, *celydwoys*. In the Gaelic, *culdee* signifies a monk, a hermit; the name of *cuideach* is commonly given at this day, says the learned and reverend Dugal Campbell, of the Isle of Mull, to persons who are not fond of society. Stat. Account, v. xiv. p. 200. In the Gaelic, also, *ceile* signifies a servant; hence, *celle de*, the servant of God; *de* being the genitive of *dia*, God. See O'Brien's Dict. in voc. The topography of North Britain does not throw any light on the obscure name of the Culdees; as there does not appear to be any appellation, in the maps of Scotland, which bears the least analogy to the Culdean monks. It has likewise been derived from the Latin *cultores Dei*, worshippers of God.

This year, Boniface, and Philip the Fair, king of France, came to an open rupture: insomuch, that the pope repenting the pains he had taken in procuring an accommodation between the two crowns, wrote to the king of England to break through the articles, and promised him a vast sum of money in case he would attack the king of France. But the king, having little confidence in the pope's steadiness, could not be brought to depart from the treaty without a provocation. However, the pope had the courage to maintain the contest upon his own strength, and published a very menacing and imperious bull against the king of France. That this bull might make the deeper impression, he abridged it in these words; "Boniface, bishop and servant of the servants of God, to Philip, king of France. Fear God, and keep his commandments. We give you to understand, that you are bound to be subject to us both in spirituals and temporals. You have no right to bestow benefices or prebends; and if the custody of some vacant benefices belongs to you, you ought to keep the profits for their successors. If you have disposed of any benefices, we declare the presentations void. We likewise pronounce those hereticks who maintain the contrary. Given at the palace of Lateran, December the fifth, in the seventh year of our papacy."

ED-
WARD I.
K. of Eng.

*The king
refuses to
break with
France at
the pope's
solicitation.*

Westmo-
nast. Wal-
singham.

*The pope
carries his
supremacy
to an extra-
vagant
pitch, and
quarrels
with the
king of
France.*

To prevent the ill consequences of this bull, the king ordered it to be publicly burnt, and convened the three estates upon this occasion. The noblesse, and the third estate, declared fully and unanimously against the pope's encroachments. And the clergy, though at first they desired time to give in their answer, yet being pressed by the king to deliver their opinion forthwith, the prelates declared that they believed themselves bound to defend the king, and the liberties of the kingdom.

At the recess of the states, the king sent the pope a short answer, in contradiction to his abridged bull: it runs thus;

"Philip, by the grace of God, king of France, to Boniface, who styles himself supreme bishop, little, or no greeting. Your great extravagance may please to know, that we are not subject to any person whatsoever, in things temporal: that the bestowing vacant churches and prebends is part of our regale; and that it is lawful for us to apply the profits

Du Pin,
Eccles.
Hist., Cent.
14. p. 5. et
deinc.

498.

*The pro-
gress of this
contest.*

WIN-
CHEL-
SEY,
Abp. Cant.

Du Pin,
ibid. p. 6.

of vacancies to our own use: that the Church preferments which we have bestowed, or shall dispose of for the future, are warrantable by virtue of our prerogative: and therefore we are resolved to maintain the title to such benefices, and declare those void of common sense, who question our authority in these points."

Upon the progress of the quarrel, one Peter Bosco, the king's advocate at Constance, maintained the claim in the pope's bull to be heretical: and William Nogaret, baron of Calvisson, brought a charge into the Louvre against Boniface, in the following articles: 1st. He denies Boniface the character of a pope. 2ndly, That he is an apparent heretic. 3rdly, That he is guilty of notorious simony. And 4thly, He charges him with sacrilege, tyranny, blasphemy, extortion, &c.; and declares, he is ready to prove all these articles upon him in a general council; which he petitions may be held, and Boniface imprisoned in the meantime, and struck out of the administration. And at the close, he addresses the king to put this motion in execution.

Ibid. p. 7.

The pope, on the other side, being resolved to keep up his pretences to the utmost height, published his famous decretal, *Unam Sanctam*. Wherein he declares, there are two swords in the Church; one spiritual, and the other temporal: that the temporal is subject to the spiritual; and that none can deny this truth, without admitting two supreme independent principles, and falling into the heresy of the Manicheans.

Ibid.

The king being informed of these proceedings in the court of Rome, summoned an assembly of the prelates, and repeated his former prohibitions; viz. that none of his subjects should depart the kingdom, nor convey any money, arms, horses, &c., out of his dominions.

This order was made, to prevent the French prelates going to Rome at the pope's citation, or giving him any assistance with their fortunes.

Ibid.

To proceed; the king of France convened the prelates and nobility at the Louvre: and here, William du Plessis, one of the noblesse, charged the pope with denying the immortality of the soul, and the eternity of a future state; and that he was a sorcerer and a simoniack; with several other articles too long to be inserted.

The pope, who was now retired from Rome to Anagni, published a bull of excommunication against the king of France, and absolved his subjects from their allegiance: but the satisfaction of this revenge was but short: for Nogaret and Sciarra Colonna, marching to Anagni at the head of a body of men, attacked the castle whither the pope was withdrawn, took his holiness prisoner, and rifled his treasury. After he had been roughly treated by Nogaret and Colonna, he was set at liberty by the interest of the burghers of Anagni. Soon after his enlargement, he returned to Rome, and died (as it is thought) with melancholy, about five weeks after. He was succeeded by the cardinal bishop of Ostia, who took the name of Benedict XI.

ED-
WARD I.
K. of Eng.

To return to England. About this time, as sir Edward Coke reports, a subject brought in a bull of excommunication against another subject of this realm, and published it to the lord-treasurer of England: and this was, by the ancient common law of England, adjudged treason against the king, his crown, and dignity; for the which, the offender should have been drawn and hanged; but at the great instance of the chancellor and treasurer, he was only banished the realm for ever.

Ibid. p. 9.

Coke's Re-
ports, part
5. fol. 12.

About three years afterwards, archbishop Winchelsey published a constitution to secure the interest of rectors and vicars against the encroachments of other priests, residing in the parish. For this purpose, there was an oath drawn up, which every such priest was obliged to take to the rector or vicar at his coming to settle in their parish. They were therefore to swear to submit to the rector or vicar, *in licitis et canonicis mandatis*. *Item*. That they would do nothing prejudicial to the rights and privileges of the incumbent; that is, that they would not receive any oblations, obventions, trentals, mortuaries, or any other perquisites, belonging to the benefice.

Winchel-
sey's consti-
tution with
reference to
rectors and
vicars.

A. D. 1305.

Item. That they would not foment or encourage any disputes, animosities, or misunderstandings, between the parson and the parish; but endeavour to promote a good correspondence amongst them.

Item. They were to swear not to take any confessions in the parish, excepting in cases allowed by the canons.

WIN-
CHEL-
SEY,
Abp. Cant.

Spelman,
Concil. vol.
2. p. 436.

Item. They were to swear to be present at matins and vespers, and other stated times for divine service, &c.

The saying mass for the souls of the deceased, being customary in these ages, occasioned a greater number of priests: insomuch that there were frequently several of this order residing in a parish, besides the incumbent or his curate; and therefore, to prevent interference, rivalry, and the consequent disturbances, this constitution was provided.

499.

The king having lately defeated the Scots, and got over some other difficulties in his government, resolved to call his disaffected barons to an account, and particularly the archbishop of Canterbury.

*The pope
absolves the
king from
his engage-
ments to
keep Magna
Charta.*

Conven-
tiones, Li-
teræ, &c.
tom. 2. p.
979.

When the king was embarking for his late expedition into Flanders, the barons pressed him for a new security of their liberties of Magna Charta, and the forest charter. The king looked upon the confirming these grants as a diminution to his prerogative, and signed the statute of confirmation very unwillingly, as appears by his complaint to the pope upon this occasion: Clement V., who expected to find his account by disentangling the king, made use of the plenitude of his power, and declared the king freed from his engagements; and because the prelates had obliged themselves by act of parliament, to publish an excommunication against those that broke the charters; to avoid the terror of this censure, the pope, in his bull to the bishop of Worcester, pronounced all such excommunications void, and of none effect. The pope declared farther, that in case the king had sworn to keep the charters above mentioned, yet since he had likewise sworn at his coronation to maintain the rights of the crown, it was reasonable a regard should be had to this first engagement; and therefore his holiness gave him a release from all promises prejudicial to his ancient prerogative.

Westmin-
ster ad An.
1305.

The king's conscience being thus at ease, he ordered an enquiry to be made into the mutiny and misbehaviour of the barons. In this prosecution he began with the earl marshal, who being in no condition to deny the fact, cast himself upon the king's goodness, and had his pardon. The rest of the conspirators were likewise drawn to a confession, and deeply fined. At last, the king sends for the arch-

bishop, expostulated with him, as being at the head of the malcontents, and laid high treason to his charge; particularly, that when the king was absent, upon the score of the war with France, the archbishop entered into a consultation with the earls and barons, to depose his highness, to imprison him for life, and set up his son Edward in his place.

ED-
WARD I.
K. of Eng.
*The king
expostulates
with the
archbishop,
and charges
him with
high trea-
son.*

The archbishop being reproached by the king for this perfidiousness, offered nothing in his justification. It seems that either his courage or his conscience failed him. If he was innocent, as bishop Godwin seems rather to believe, he was certainly defective in point of resolution: for he threw himself at the king's feet, wept, and entreated his pardon; and which was still more remarkable, he offered the king his pall, and cast his life and fortune upon his mercy. The king told him, notwithstanding his crimes deserved it, he should not prosecute him himself, but leave him to the correction of his own order: "that you may not pretend," says he, "yourself overborne by the partiality of my courts, I shall refer the cause to your fellow bishops and the pope, to whom you seem willing to make your appeal." The king told him farther, that he had found him disaffected to his interest through the whole course of his administration; that he had endeavoured to cross his inclination, and tire his patience, upon all occasions whatsoever. "How often," says the king, "have I desired you to treat my clerks gently, and not disturb them in your provincial visitations? But you, without any regard to such condescending applications, or the authority of your prince, have turned them out of their benefices, without allowing them so much as the liberty of an appeal."

Godwin in
Winchel-
sey.
*The arch-
bishop is
dispirited,
and makes
no defence.*
Walsing-
ham, p. 91.

The archbishop was so overset with this reprimand, that he is said to have begged the king's blessing. The king replied, he forgot his character, and that it was more proper for himself to receive the blessing from the archbishop, than to give it: in short, the king finding the archbishop so pusillanimous in his behaviour, was the more confirmed in his suspicions, and complained to the pope against him.

Antiquit.
Britan. in
Winchel-
sey.

This pope had given the king and the prince of Wales an invitation to his coronation at Lyons. The king made

*The king
makes the
pope a rich
present.*

WIN-
CHEL-
SEY,
Abp. Cant.
Westmo-
nast. ad An.
1305. Con-
ventiones,
Literæ, &c.
tom. 2. p.
966.
A. D. 1306.

*The arch-
bishop ba-
nished by
the king,
Angl. Sacr.
pars 1. p. 14.
et deinc.*

his holiness an excuse; but withal sent him a present of gold plate for his chamber and table.

To return to the archbishop, who, upon the king's complaint, was summoned by the pope to appear before him and make his defence. It seems Winchelsey did not set forward on his voyage with that expedition which was expected; upon which, his revenues were seized, and himself outlawed. And now, being reduced to extreme necessity, he lay concealed for some time with the monks of Canterbury; who, for their charity to the archbishop, were ejected the monastery, had their manors seized to the king's use, and were forced to beg about the country: but Winchelsey being banished soon after, the king was reconciled to the monks, and restored them their effects.

It seems, the court displeasure ran high against Winchelsey: for when Woodlock, bishop of Winchester, interceded for him, and called him his lord, the king resented the respect of the style so far, as to put this prelate out of his protection, and seize his temporalities: declaring he would not endure any other person but himself to be owned as lord in his dominions; especially not such a one as was apparently guilty of treason, and had forfeited the privilege of a subject.

*and sus-
pended by
the pope.*

When the archbishop came to the pope, he found his holiness strongly prepossessed against him. Birchinton reports that the archbishop was suspended from the administration both of spirituals and temporals, till he could purge himself. This the historian reckons hard usage, that a prelate should be barred the powers of his character, and the benefit of his fortune, before any crimes were proved against him.

500.
Id. p. 16.

It is to be feared, the late present from the king might dispose the pope to an over-complaisance: besides, by this suspension, the pope got the archbishoprick of Canterbury into his own custody, and put the sequestration into the hands of his nuncios, William de Testa, and Peter Amaline.

Antiquit.
Britan. p.
207.
*The bishops
of Norwich
take the
first-fruits
in their
diocese.*

These men called John Salmon, bishop of Norwich, to an account for receiving the first-fruits, or the revenues of the void livings in his diocese. Pandulphus, who was bishop of this see, and had formerly been the pope's legate, began this custom. At his coming to Norwich, he pretended his

see was much in debt, and procured a grant of the pope to disengage himself, by taking the advantage above mentioned. But when his successors insisted upon the same privilege, they were opposed by the archbishops of Canterbury: notwithstanding, they sometimes made use of part of the same liberty themselves. However, Pecham, and the present archbishop, would by no means relieve their fortune by such expedients.

ED-
WARD I.
K. of Eng.

But notwithstanding the sequestration of the archbishoprick was committed to these nuncios, the king kept possession of the revenues: this appears by his letter to the pope, in which he declares himself so far dissatisfied with the archbishop's conduct, that in case his suspension was taken off by his holiness, he should be obliged to refuse him the restitution of his temporalities.

Harpsfield,
Hist. Ec-
cles. Angl.
13. Sæc.
cap. 15.

However, in the meantime, the pope was not willing to drop the profits of the sequestration, and therefore acquainted the king that his seizure of the revenues of the archbishoprick was a violation of the canons, and that he could by no means consent to it. The king, not willing to break with the pope, sent him word, that notwithstanding the archbishop's temporalities were forfeited to the crown, during his suspension, and that it was lawful for him to dispose of them as he thought fit; yet out of a particular regard to his holiness, he was willing the issues and profits should be all paid into the hands of the pope's agent, and that the escheater or guardian of the temporalities should be obliged to give in a fair account of what he had received.

Conventio-
nes, Literæ,
&c. tom. 2.
p. 1002.

*The king
yields the
profits of the
archbishop-
rick to the
pope during
Winchel-
sey's sus-
pension.*

The next year, which was the last of this king's reign, there was a parliament held at Carlisle upon the twentieth of January. And since the main business of this session relates to the Church, I shall give some account of it.

Ibid. p.
1020.

Westm. ad
An. 1307.

One main branch of the business of this parliament, was to prevent the oppression of monasteries by foreign superiors. It seems, the superiors of the orders of the Benedictines, Cistercians, Cluniacks, Premonstratenses, and Augustinians, used to draw contributions under pretence of a visit from their respective houses and fraternities in England: these heads of orders, I say, whether generals, provincials, or abbots, used to tax the houses under their jurisdiction,

*The exac-
tions of the
court of
Rome com-
plained of
at the par-
liament of
Carlisle.*

WIN-
CHEL-
SEY,
Abp. Cant.

In censum
reprobum
est conver-
sum.

*No pay-
ments al-
lowed to
foreign re-
ligious.*

contrary to the laws and customs of the kingdom; by which means, that which had been given to pious uses, and for the service of religion, was turned into a scandalous and ungodly tribute; wherefore, by the advice of the earls, barons, &c., the king ordained that no abbot, prior, or any other religious person of what state or order soever, within the king's dominions, should pay any rent, talliage, or impositions, charged upon them by any foreign superiors, or agreed between themselves; neither were they permitted to go beyond sea to visit any such monasteries, in order to convey any part of their revenues or effects thither.

A. D. 1307.

Farther, the act likewise prohibited all foreign abbots and religious superiors from imposing any payments or burthens upon any monasteries belonging to their government, in the king's territories, under the penalty of forfeiting all their interest and estate in his highness's dominions.

Riley's Pla-
cita Parl.
fol. 312.
Coke Instit.
part 2. De
Asportatis
Religioso-
rum. fol.
580.

However, the meaning of this statute was not to bar the abbots and other foreign religious from visiting their charge in England; from governing their monks, and exercising the discipline of their order: I say, they were not restrained from this liberty, provided such visitors levied no contribution upon the monasteries, nor carried anything out of the kingdom, excepting such sums as were necessary to furnish them for their voyage.

Riley, Pla-
cit. Parl. fol.
314.

The other great affair was the consideration of the petitions exhibited by the earls, barons, &c., against the exactions set on foot by the pope's authority, and managed by Mr. William Testa, his nuncio, or by officers and deputies in his name. The heads of the grievances are these:

*Articles
drawn up
against the
encroach-
ments of the
court of
Rome.*

First, the extravagant number of provisions of the best church preferments, disposed of to Italians or other foreigners and non-residents, to the great prejudice and disinherison of the founders, benefactors, and their successors.

Secondly, they complained that the pope pretended a right to apply the rents and revenues of religious houses to the use and maintenance of several cardinals.

Thirdly, the next article remonstrates against the pope's claim of the first-fruits of vacant benefices; a thing never heard of before: and that this new duty was very prejudicial to the king, church, and kingdom.

Fourthly, that the demand of the Peter-pence very much

exceeded the proportion of the first grant, and was exacted to treble the just value.

ED-
WARD I.
K. of Eng.

Fifthly, that legacies given to pious uses were seized by the authority of the apostolick see, and converted to uses foreign to the intention of the testator.

501.

Sixthly, they complained of an abuse with reference to debts. For instance; when the creditors went to the pope's nuncios, and offered them half the debt to secure the rest, these nuncios immediately ordered the debtors to be summoned and distrained to answer before them, in open disinherison of the king and his crown.

Seventhly, They complained that legacies which were given in general to charitable uses, and left to the discretion of the executor, without any particular nomination,—that these legacies were unjustly challenged by the pope's clerks, and turned to uses contrary to the will of the deceased.

Riley, Pla-
cit. Parl.
fol. 379.

From hence they conclude, that unless God shall arise and scatter his enemies, unless the king and his parliament appear vigorously against the mischief, the exhausting the treasure of the kingdom, the decay of the commonwealth, and the undoing of the Church, must inevitably follow.

Id. fol. 381.

After the reading of these articles, the nuncio, William Testa, was called into the house, and the charge made good against him: neither did he offer at any other defence, excepting his commission from the pope.

After a thorough examination of the matter, it was declared by the assent of the king, lords, and commons, that the grievances, oppressions, and extortions aforesaid, should no longer be permitted in the king's dominions; and Mr. William, the pope's nuncio, was ordered not to do anything contrary to the purport of this provision, either by himself or any others. He was likewise enjoined to revoke and annul whatever had been acted of this kind, either by himself or his agents; and to keep the money levied upon this account in some place within the kingdom, till the king's pleasure was farther known; and, to make the matter more publick, it was agreed by the king, lords, and commons, that a remonstrance against the grievances above mentioned should be drawn up and transmitted with an embassy to the pope. The sheriffs, likewise, of the respective counties, were commanded to make a legal enquiry after the names of

*The provi-
sions of the
parliament
at Carlisle.*

WIN-
CHEL-
SEY,
Abp. Cant.

Ibid.

those commissaries or agents of Mr. William Testa, who were instrumental in the oppressions above mentioned; and that all those who were presented as such, should be attached by their bodies, and brought to answer their misdemeanors in the court of King's Bench.

And here, we are to observe, that these provisions were first made in the year 1305. However, they were not published till after a review by this parliament at Carlisle.

While the parliament was sitting, there was a remonstrance dropped in the house against the oppressions of the court of Rome; it is addressed to the Church of England, by one Peter Fitz-Cassiodore, which, I suppose, was a feigned name. It runs thus:—

*A satirical
remon-
strance
against the
court of
Rome.*

Lamentat.
2. 13.
Lament. 1.
13. 14

“ To the noble Church of England, now in distress, and under servitude; Peter, son of Cassiodore, a soldier of the Church militant, and a devout champion for the Christian religion, sends greeting and wishes of liberty. ‘What thing shall I liken to thee, O daughter of Jerusalem? What shall I equal to thee, O virgin daughter of Sion? For thy breach is great like the sea, thou sittest solitary without any to comfort thee, thou art made desolate, and faintest all the day.’ ‘Thou art delivered into the hands of those from whom thou art not able to rise up.’ ‘For thy Roman princes, like the Scribes and Pharisees sitting in Moses’s chair, are become thy greatest enemies, they enlarge their phylacteries, and keep up a pretence to extraordinary piety; but, at the same time, make no scruple to harass thee to the last extremity, and suck, in a manner, the marrow out of thy bones; laying intolerable burthens upon thee and thy ministers, and putting thee under the uneasiness and disgrace of tribute, who hadst formerly the privilege of being free. Let nobody wonder at this alteration, since thy mother, the lady of the nations, has, according to the custom of some widows, marrying their inferiors, made the bishop of Rome thy father, who does not answer the kindness of that relation in any respect. No, he grows haughty upon the match, makes a figure at thy expense, overstrains the advantage of a husband, and shews himself master, with a witness, of thy mother’s fortune. He takes effectual care to misapply the order given to the prophet Isaiah, ‘take thee a great roll, and write in it with a man’s pen; seize the spoils,

Isaiah 8. 1.

and fall quickly upon the prey.' But does the apostle warrant him in this management of his office? Where, he informs us, 'that every high priest taken from among men is ordained for men in things pertaining to God?' that is, not to pull, and plunder, and squeeze people to death; 'but that he may offer both gifts and sacrifices for sins; that he may have compassion on the ignorant, and on them that are out of the way.' ED-
WARD I.
K. of Eng. Hebr. 5. 1.

This bishop pretends to be St. Peter's successor. Now, we read that St. Peter returned to his business of fishing, with the rest of the apostles, after our Saviour's resurrection; who, when he had no success in fishing on the left side of the ship, made a throw on the right, at our Saviour's command, and drew the net to shore full of large fish. By the right side of the ship, is meant the proper use and application of the ecclesiastick character. By this exercise of the powers of priesthood, according to the intention of the grant, the devil is conquered, multitudes of souls are gained, and the hierarchy become fishers of men; but the toiling on the left side of the ship, imports mismanagement, and turns to no good account. Here faith grows languid, and the mind, by disappointment, is seized with despair. But who can wonder that nothing is taken this way? How can a man be so sanguine as to believe he can serve God and mammon at the same time; please his fancy and plunge himself in the animal life, and yet offer acceptable sacrifice to Christ Jesus? And, without doubt, that shepherd who is not vigilant for the benefit of the flock, affords an opportunity of mischief to that roaring lion who walks about seeking whom he may devour. I desire you would consider the unaccountable practice of your pretended father. This father of yours drives away the good shepherds from the folds, and puts his ignorant nephews and relations in their place; men that understand nothing of the management of the sheep, nor trouble themselves how much they are worried by the wolf. In short, these men, who mind nothing but shearing the fleece, and eating the mutton, have the crook put into their hand, only to shew their authority, and make a benefit of the employment. These guides are careful enough to consult their present advantage; 'they ease their own shoulders from the burthen, and deliver their hands from making the pots.' 502. Ps. 81. 6.

WIN-
CHEL-
SEY,
Abp. Cant.

that the design of the priesthood is strangely perverted now-a-days; the service of Almighty God is neglected; the distributions of charity unpractised; and the pious benefactions of kings and princes misapplied in a great measure. Is it not a wonderful thing to consider, that since Christ paid tribute for himself, and St. Peter, refused to interpose in a dispute about property, and declared his kingdom not to be of this world; is it not a wonderful thing, I say, that the man who pretends to be our Saviour's vicar, or vicerent, should style himself universal governor, and grasp at the empire of the universe? And as for you his daughter, what usage does he put upon you? does he not poll and rack you at his pleasure? The tenth of your revenue will not satisfy him, without the first-fruits of the livings. And what is all this for? Why, it is to fill his own exchequer, and raise estates for his family. There are likewise other contributions levied for the maintenance of his agents. These impositions amount not only to the taking away men's livelihoods; but are, in a manner, a downright preying upon the flesh and bones of his charge. May not such a person be justly compared to king Nebuchadonozor, who rifled and demolished the Lord's temple, and carried off the consecrated plate? Since they both acted the same part, I see no reason why they may not stand together in a comparison. Nebuchadonozor plundered the ministers of God, and unfurnished his house; and does not this father of yours do the same? Now, in my opinion, it is better for people to be dispatched by a sword, than left to the execution of hunger; for this latter way of dying does but draw out the punishment to a greater length, and give people more time to feel pain. Thou mayest, O daughter, make use of the lamentation of the prophet, 'Behold and see, all you that pass by, if there be any sorrow like unto my sorrow.' 'By the greatness of thy grief thy visage is blacker than a coal, insomuch that thou art not known in the streets.' 'Thy governor above mentioned has brought thee into darkness, compassed thee with gall, and made thee drunken with wormwood. O Lord, look down from heaven, and behold the affliction of thy people, and hear their cry;' for the heart of that man is hardened beyond the obduration of Pharaoh, neither will he release the

Lamentat.
1. 12.

Ib. 4. 8.

Ib. 3. 2. 5.
15.

servitude of thy people, nor let them go, without the special interposal of thy providence; without thy mighty power, and thy stretched-out arm. For he does not only harass the living at a miserable rate, but stretches his authority to a new claim, and seizes the effects of the dead; and under the pretence of persons dying intestate, endeavours to make what they leave behind them his own. The English nobility, therefore, would do well to consider that as the French have formerly discovered their inclinations to make a conquest of this country; now it is to be feared these new encroachments of the court of Rome may give such ambitious neighbours a handle to succeed in their wishes; for by exhausting the treasure of the kingdom, and weakening the interest of the native clergy, the state must, by consequence, be in a worse condition to repel a foreign invasion. That therefore, thy misfortune, O daughter, may not be rivetted upon thee, and thou and thy priests consigned to perpetual slavery, it will be highly expedient that thy noble benefactors, the king, and great men of the realm, exert themselves for thy rescue; that they oppose the attempts, and check the pride and presumption of that man who is by no means thus enterprising for the service of God, but is altogether governed by secular views, by projects of aggrandizing his figure, and enriching his relations. It is to compass this point that he taxes the English so deeply, sets up unprecedented pretensions, and makes it his business to draw out all the money of the kingdom. For unless there is a speedy stop put to this mischief, the kingdom will probably be undone, and then the remedy will come too late. God Almighty take away the veil from that man's heart (meaning the pope), and give him a broken and contrite spirit, and make him understand the conduct of the true God; that by this guidance he may be delivered from the error of his own ways, and give over all his sinister and indefensible undertakings; and that the vine which the right hand of God has planted may spread and become fruitful; and let the words of God, spoken by the prophet Jeremiah, encourage you to oppose these beginnings of usurpation. The text runs thus:—'Woe be unto the pastors that destroy and scatter the sheep of my pasture, saith the Lord; ye have scattered my flock, and driven them away; behold, I

ED-
WARD I.
K. of Eng.

Jerem. 23.
1. 2.

WIN-
CHEL-
SEY,
Abp. Cant.
Jer. 22. 30.

De Vera
Differentia
Regiæ Po-
testatis et
Ecclesiastice,
&c. fol.
88. et deinceps.
Fox ex Ve-
tusto Chronico
Albanensi.

*The king
dispenses in
favour of
the pope.*
Westminster.
ad An. 1307.

Id. fol. 383.
Pat. 35. Ed.
I. M. 10.

Conventiones,
Literæ,
&c. tom. 2.
p. 1051. Pat.
35. E. I. M.
19.

*Annates,
what, when
first paid,
and to
whom.*

will visit upon you the evil of your doings, saith the Lord. No man of this seed shall prosper, sitting upon the throne of David, and ruling any more in Judah.' If these texts make no impression upon him; if these menaces will not frighten him from his unjustifiable projects, and bring him to restitution, let them then give him up for one hardened in impenitency, and sing the hundred and ninth psalm against him,—' Hold not thy tongue, O God of my praise,' &c."

Thus far this remonstrance: what effect it had is not reported: but probably it might expedite the passing of the provisions at Carlisle above mentioned.

After the recess of the parliament, the king was prevailed on by the cardinal bishop of Sabin, to relax upon the point, and dispense, in some measure, with the late provisions at Carlisle. By the way, this cardinal was sent legate into England to finish the peace with France, and conclude the match between the prince of Wales and king Philip's daughter. The king, therefore, having occasion for the pope's friendship, and, it may be, an over regard for his character, ordered the chancellor not to seal the writs to the sheriffs for the business above mentioned: he likewise granted Testa and Amaline, the pope's nuncios, their commissaries, and agents, a protection to travel through the kingdom, for the dispatch of the pope's business.

And to gratify his holiness farther, he allowed his nuncios, as far as in him lay, to collect the first-fruits of vacant benefices, either with or without cure, for the term required by his holiness (that is, for three years); the prohibitions made in parliament to the contrary notwithstanding. Upon condition, however, that they did not collect any of the revenues of the vacant monasteries for the pope's use. They were likewise enjoined not to transport any of the money collected, in specie, but only remit it by bills of exchange.

Upon this occasion, it may not be improper to say something concerning the import and original of first-fruits, or annates. By the term, we are to understand a year's revenue, or tax, upon the revenue of the first year of a vacant benefice. As to the time when this practice began, it is observed that, ever since the twelfth century, some bishops or abbots have, either by custom or particular privilege, received annates of the benefices belonging to their patronage

or jurisdiction. Thus, in the year 1126, Peter, bishop of Beauvois, gave the canons regular of the church of St. Quintin, the annates of all the prebends of his cathedral. The same grant was made in the same century to the canons regular of the abbey of St. Victor, by the bishop and chapter of Nôtre Dame at Paris. As to the payment of annates to the pope, we find, by the remonstrance at Carlisle, it was altogether new and unprecedented. But the court of Rome, which was almost always gaining upon the liberties of the Church, seldom gave over any project of interest. Thus pope John XXII. secured the annates of all vacant benefices for three years together, bishopricks and abbeys only excepted. This was going upon the precedent of Clement V. already mentioned. The successors of John improved this advantage into a standing claim, and likewise hooked the bishops and abbots into the common servitude: Platina reports, that Boniface IX. set this custom on foot, but then he was so favourable as not to charge the annates any deeper than half the revenue of the first year.

The payment of annates has been all along grudged to the pope, and was warmly contested in the council of Constance, in 1414. Neither could the court of Rome carry their point there, because the delegates of the French nation stood stiffly against this exaction. The council of Basil, likewise held in 1431, forbade the payment of annates by a decree of the twelfth session: but then, at the same time, they ordered the pope should have a reasonable aid granted to put him in a condition to manage the affairs of the Church, and support the cardinals. The council of Bourges, in 1438, approved the decree of the synod of Basil against this payment: to which, we might add, its being forbidden and put down by several edicts of the French kings. As to England; the encroachment of the court of Rome went on, till the reign of Henry VIII. And even then, though the person was changed, the burthen continued, and the Church had only the liberty of paying her money to another hand. To proceed.

Robert Bruce, who had sometime since set up a title to the kingdom of Scotland, and got himself crowned at Scone, fought Aymer de Valence, earl of Pembroke, and afterwards the earl of Gloucester, and defeated them both. King Ed-

ED-
WARD I.
K. of Eng.

Polydor.
Virg. de In-
vent. Re-
rum, l. 8.
c. 2.
Spondan.
Contin. An-
nal. Baron.
La P. Alex-
andre Jaco-
bine Select.
Hist. Eccl.
Spelman.
Glossar.

WIN-
CHEL-
SEY,
Abp. Cant.

*The death
and charac-
ter of king
Edward.*

Westmo-
nast. ad An.
1307.

ward being informed of the progress of the Scottish revolt, ordered all that held by knight's service to march to the rendezvous of the army at Carlisle: when the forces were drawn down, the king moved with them toward Scotland; but his death quickly put an end to this expedition: for, at his first setting forward, he fell sick of a dysentery, and died at Bourgh-upon-Sands, upon the seventh of July: he reigned thirty-four years and seven months, and lived sixty-eight. He was a prince of an enterprising and military genius, and successful in what he undertook. He recovered the kingdom from Montfort's rebellion, in his father's time, as has been already observed: and when he came to the government himself, he made an entire conquest of the Welsh, retrieved Aquitaine from the king of France, overran Scotland, and obliged the Scots to acknowledge him sovereign of that kingdom: and notwithstanding he died so much advanced in years, his heat and vigour for the campaign held out to the last. And though conquest and military glory seemed to have had the ascendant over him, yet it must be said, his reign was very remarkable for polishing the administration, and refining upon the old laws. This point will be sufficiently clear to any one that peruses the Statute-book, where the reader may find a great many very serviceable acts passed in this reign.

Brady's In-
troduction,
p. 144. 143.

Bishop
Wake's
State of the
Church, &c.
p. 212.

*The knights
of counties
made a
standing
part of the
parliament.*

*The bur-
gesses, when
first sum-
moned to
parliament.*

Brady of
Boroughs,
p. 25. 26. 33.

And, which must not be omitted, the legislature itself seems to have been thrown into somewhat of a new form. For this king, as the learned observe, was the first who made the commons a third estate, and gave them the privilege of voting in the passing of bills with the lords spiritual and temporal. For, from the 49th Henry III. to the 18th Edward I., there were no parliamentary summonses sent to the knights of counties. And as for the cities and boroughs, they were not made part of the legislative body, till the twenty-third of this reign. And in this first parliament, in which they appeared, they acted separately from the county representatives, in pursuance of the powers given them by the king's writ. In this distinct capacity they voted the king a seventh, whereas the temporal lords and knights of the shires, granted no more than an eleventh.

This prince was twice married: by his first wife Eleanor, sister to Alphonso, king of Castile, he had four sons and

nine daughters: of his sons, none survived him excepting Edward his successor. By his second queen, daughter to king Philip the hardy, of France, he had issue Thomas de Brotherton, and Edmund of Woodstock; the first of whom was created earl of Norfolk, and the other, earl of Kent, in the reign of king Edward II. He was buried in Westminster abbey, near his father, king Henry III.

ED-
WARD I.
K. of Eng.

Sandford's
General
Hist. Dug-
dale's Ba-
ronage.
Westmo-
nast. *ibid.*

THE END OF THE SECOND VOLUME.

